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**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, April 28, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jakes (for) Assistant Director for Legislative Reference

OMB CONTACT: James A. Brown
PHONE: (202)395-3473 FAX: (202)395-3109

SUBJECT: TRANSPORTATION Oversight Testimony on Effectiveness of Airbags 

DEADLINE: 5:00 p.m. today Monday, April 28, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will effect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This oversight testimony must be delivered tomorrow, Tuesday. If we do not hear from you by the deadline, we will therefore assume that you have no objection to clearance of this testimony.

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SUBJECT: TRANSPORTATION Oversight Testimony on Effectiveness of

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FAX RETURN of _____ pages, attached to this response sheet

STATEMENT OF THE HONORABLE RICARDO MARTINEZ, M.D.
ADMINISTRATOR
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
BEFORE THE
SENATE COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

April 29, 1997

Mr. Chairman and Members of the Committee:

Thank you for your invitation to appear before you on air bags. I welcome the opportunity to bring you up to date on what we have done since the Committee's January hearing and what we anticipate doing in the near future. I want to thank you for providing a continuing forum in which to discuss this critical safety issue.

At the January hearing, I described the nature of the air bag's benefits and risks and laid out our program to preserve the benefits and reduce the risks. The program has three components: measures to deal with existing vehicles, measures to affect vehicles in the near-term, and measures that will ensure safe performance for the long-term.

Mr. Chairman, it bears repeating that air bag safety is the front-page issue of vehicle safety today. With or without an air bag, a frontal crash is a complex event for which no single simple solution exists. In my remarks about them I want to sound one consistent theme: In a frontal crash, distance enhances safety. The further you are from the steering wheel, instrument panel, and windshield, the safer you are. This is true for air bag safety, but it is equally true for child safety seats and for persons wearing seat belts.

In discussing our program, I would like to begin with the present term and say a few words about our new seat belt and child safety seat initiative. This is an issue on which you have shown forceful leadership, Mr. Chairman, and I want to thank you for the encouragement you

have given your colleagues in supporting measures to increase seat belt use across the country. President Clinton also feels strongly that more must be done to encourage the use of these life-saving devices. On April 16, Secretary Slater responded to the President's call and released a national strategy to raise U.S. seat belt use to 85 percent by the year 2000. By 2005, our goal is to reach or exceed 90. We also have set a goal of reducing child occupant fatalities (0-4 years) 15 percent by 2000, and 25 percent by 2005.

Currently, with an estimated 68 percent of America's vehicle occupants buckling up, seat belts are saving about 9,500 lives a year. Achieving 85 percent seat belt use would boost the annual number of lives saved in U.S. highway crashes by about 4,200, and reduce crash-related injury costs by \$6.7 billion a year. If 90 percent of vehicle occupants used their belts, more than 5,500 lives would be saved annually and injury costs would be cut by \$8.8 billion.

Safety goals this ambitious cannot be reached without widespread support throughout the nation. With this in mind, we set a national four-point strategy:

- **Building partnerships** between government and the private sector to help America reach its potential of saving lives and preventing injuries through the use of seat belts and child safety seats;
- **Enacting State laws** for primary (standard) seat belt enforcement and comprehensive child passenger safety;
- **Conducting active, high visibility law enforcement** of State seat belt and child safety seat laws; and
- **Expanding well-coordinated, effective public education programs.**

The President took the first step to help achieve the seat belt use goal by issuing an

Executive Order that requires Federal employees to wear seat belts while on official business, and encourages seat belt use for all persons in National Parks and for Government contractors, subcontractors, and grantees. The next step in our national strategy will be to seek similar commitments from State and local governments, national organizations, businesses, local communities, and most important, individual citizens. All can become partners in this effort to get America to buckle up so that together we can prevent many of the tragic, unnecessary deaths and injuries that result when people do not use child safety seats and seat belts.

Another measure affecting existing vehicles is our proposal to permit the deactivation of air bags. You have asked for the status of the rulemaking action on deactivation. Although we had hoped to complete the deactivation rulemaking by this time, the issues raised by the comments are complex and are requiring more time to resolve than we anticipated. We are seeking to balance the legitimate concerns about the risk from air bags with the equally legitimate concerns about the injuries that air bags would not prevent if they are deactivated. Since the number of people who would benefit from an air bag greatly outnumber the number who are at risk, we must develop the clearest possible guidance for the public, and then we must hope that they follow the guidance. If the public acts hastily on the basis of exaggerated media reports, we are concerned that people will be seriously or fatally injured as the result of air bag deactivation.

To illustrate this point, we estimate that about 600 people were saved in 1996 by air bags. About 500 of these were drivers. In the same year, we confirmed three drivers as having been killed by air bags. Of these three, none was a small-statured woman. Since small women express greater concern about air bag safety than do other groups, it seems likely that there

would be a disproportionately large number of deactivations for this group. Since there were no deaths among this group last year, and never more than three deaths in any year, it seems likely that a rush to deactivate would cause more fatalities than it would prevent. We will do everything we can to prevent this from happening.

Because we are still in rulemaking on the deactivation proposal, I am unable to give you further details at this time about the nature of the agency's deliberations. I can assure you, however, that we will inform you immediately when we issue a final rule.

In the near term, our program calls for the depowering of air bags. In response to your request for information on depowering, I am pleased to report that we have issued a final rule to permit the vehicle manufacturers to immediately begin depowering their air bags. In response to a petition by the vehicle manufacturers, we have adopted a sled test as an alternative to the barrier crash test, which will permit the manufacturers to quickly depower their air bags by the 20 to 35 percent that they estimate is necessary to reduce the risk of injury from air bags. As you will hear in the next panel, the manufacturers are already responding to our final rule by announcing depowering plans for the next model year.

We intend to exercise close oversight over the performance of depowered air bags, to guard against the possibility that the depowered air bags may be less effective than current air bags in higher-speed crashes. We are stressing the fact that depowering is to be a temporary measure. We anticipate that the development of advanced air bag technology will result in air bags whose response is tailored to the size and location of vehicle occupants, thereby eliminating the need for lower-powered air bags.

With regard to our program for the long term, I am pleased to report that we have turned a significant corner on advanced technologies. Under the auspices of the Motor Vehicle Safety Research Advisory Committee, a working group has been formed to review advanced air bag technologies. This working group brings together the collective expertise of the industry and the agency in a common effort to evaluate the benefits of these technologies. The agency has also signed a cooperative agreement with the National Aeronautics and Space Administration, under which the Jet Propulsion Laboratory (JPL) will devote its considerable expertise to reviewing the prospects for advanced air bags. The report from JPL is due in October 1997. Its results will be reviewed by the working group. We expect that this process will provide a firm foundation on which to base sensible rulemaking on advanced air bags, which we would hope to be able to propose by the end of 1997 or early 1998.

Another issue relating to the longer term involves the threshold deployment speed for air bags. You have asked whether the deployment threshold should be raised. This is a timely question, and one that we have indicated we will be addressing in the rulemaking on advanced air bags. As you may know, there are already air bag systems on the market that deploy at different speeds depending on whether the occupants are wearing their seat belts. Mercedes-Benz has such a system in production today. In examining the deaths reported from air bag deployments, it is apparent that many of these deaths occurred in very low speed crashes, under circumstances where death or serious injury would ordinarily not be expected. Raising the deployment threshold would reduce the number of deployments. It should therefore reduce the number of deaths from air bags in low-speed crashes. We will examine the threshold issue in our rulemaking on advanced air bags.

In your letter of invitation, you asked whether our rulemaking on advanced air bags would result in a performance-based standard. In its rulemaking activities, the agency will seek to enable the manufacturers to evaluate competing technologies, adopt the ones they believe to be the best, and introduce improvements as they become available. However, in developing the requirements, the agency will also consider the possibility that opportunities for higher levels of safety may be missed if it selects requirements that are too general or too limited.

Past episodes in the history of the agency's automatic restraint requirements illustrate the reality of missed opportunities. In 1970, after proposing to prohibit air bag deployments at speeds less than 15 mph, the agency was persuaded by industry comments to leave the selection of a deployment threshold to the manufacturers. Although the manufacturers could have designed air bags that never deployed at less than the 15 mph proposed by NHTSA, they installed air bags that sometimes deploy at less than 10 mph.

In 1984, when automatic restraint requirements were issued, NHTSA left the choice of technologies to reduce air bag injuries to the manufacturers. The agency identified technologies that the manufacturers could use, such as technologies to ensure that low speed deployments occur with less force than higher speed deployments for some or all vehicle occupants, but did not adopt any requirement that any of the technologies be used. None were used. Instead, one-size-fits-all air bag designs were selected.

There are two ways to ensure that we take advantage of similar opportunities in the future. A relatively simple way is to issue requirements that specify the particular type of technology or equipment that will provide that higher level of safety. These requirements usually can be developed relatively easily and quickly, and involve low cost methods for

determining compliance. However, they limit the manufacturers' choices, and may impede introduction of later technological advances.

A more complex way is to attempt to develop additional performance requirements that have the effect of requiring the additional or similar technology or equipment to be installed. These requirements often take much longer to develop, sometimes only after extended development and testing, and often unavoidably rely on complex dynamic test procedures that are expensive and difficult to conduct correctly. On the other hand, this approach leaves vehicle manufacturers with greater leeway in their choice of technology.

Sometimes the agency has the luxury of choosing between these two ways because in those instances both are reasonably available. On other occasions, however, only one way is practical. For example, in the antilock braking rulemaking, the agency expended considerable effort to develop a strictly dynamic performance test that would ensure the installation of antilock braking systems. Despite this effort, the agency concluded that it was not possible to develop a sufficient array of repeatable, practicable performance tests and determined that the only available means of ensuring antilock brakes was to issue a requirement directly requiring their installation.

We are unsure at this point whether a pure performance standard for advanced air bags will be feasible. It may be necessary to specify certain features of the advanced air bags as a means of ensuring their performance. However, we expect that the work of the Motor Vehicle Safety Research Advisory Committee will enable us to develop requirements that are as performance based as technology will permit.

Before I conclude, I want to mention another activity that holds great promise for the

future, not only for air bag safety but for overall highway safety. We have succeeded in bringing together the medical and engineering communities into a common safety enterprise. The Crash Injury Research Engineering Network (CIREN) is a consortium of medical and engineering institutions devoted to exploring the links between vehicle performance and occupant injury. The studies undertaken by CIREN are designed to identify and understand human injury mechanisms by studying real-world crashes using detailed engineering investigations of crashes together with detailed medical studies of crash injuries. We are using CIREN to get the best possible picture of the injury mechanisms involved in air bag injuries and hope to use its results to guide the development of better air bags.

Mr. Chairman, I believe that the program of regulatory and voluntary measures I have outlined will pull us through the current crisis of confidence in air bags and result in improved safety for vehicle occupants. The air bag and seat belt together are the best occupant protection system ever devised. I have confidence that our program will enable them to achieve their full potential.

This concludes my testimony. I would be glad to answer any questions you may have.

Harvard Center for
Risk Analysis
Harvard School of
Public Health
718 Huntington Avenue
Boston, Massachusetts
02115

617 432-4497
www.hsph.harvard.edu/
organizations/hcra.html

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FURTHER READINGS:

Kahane, C. Fatality Reduction by Air Bags: Analysis of Accident Data Through Early 1996. Washington, DC: NHTSA, USA Dept. of Transportation, 1996.

Ferguson, S. Update on Airbag Performance in the United States: Benefits and Problems. Insurance Institute for Highway Safety, 1996.

Graham JD, Nelson T, Segui-Gomez M. The Airbag's Teflon Image: A National Survey of Knowledge and Attitudes. Harvard Center for Risk Analysis/Harvard Injury Control Center, 1997.

National Transportation Safety Board. Safety Study: The Performance and Use of Child Restraint Systems, Seatbelts, and Air Bags for Children in Passenger Vehicles: Volume 1: Analysis. PB96-917005. Washington, D.C., 1996.

PEER REVIEWERS:

Lorenz Rhomberg, Ph.D.
Sue Goldie, M.D., M.P.H.

deploy could be raised, thereby making sure that the bag inflates only when it is really needed. Subtle changes in how airbags are shaped and folded may reduce the risk of occupant injury from deployment. Sensor technology may be employed to suppress airbag deployment when young children are occupying the front-right seat. The most ambitious ideas, often called "smart airbags", entail tailoring the characteristics of airbag deployment (e.g., speed and volume) to characteristics of the crash (e.g., low vs. high-speed) and the occupant (e.g., short vs. tall occupants).

Innovation in airbag design may not require an extensive regulatory program since consumer interest in the technology is well developed. Congress should encourage NHTSA to pursue an informational approach to innovations in airbag design while gradually allowing more consumer

choice about whether to buy an airbag and what kind of airbag to buy, given a buyer's safety needs and physical vulnerability to injury.

In summary, although the case for the driver-side airbag remains fairly compelling, the case for the passenger-side airbag is less convincing. The benefits and risks of airbags to adult passengers are in urgent need of careful study. Even if passenger airbags prove to be as effective for adults as driver-side airbags are, the danger to children remains a problem. Unless children ride in the back seat or the technology becomes "child-friendly", there will remain doubts about whether passenger-side airbags are an appropriate public health measure. These doubts are evident outside the USA where there is less interest in passenger-side airbags.

Figure 1. Perceptions among USA residents regarding airbags. Selected findings.

Statement (<i>correct answer</i>)	True	False	Don't Know
Airbags are not a danger to an infant in the front seat if the infant is restrained in an approved, rear-facing child restraint device. (<i>False</i>)	26%	67%	7%
If a driver is seated too close to the steering wheel, the airbag can cause serious injury or death to the driver in a crash. (<i>True</i>)	71%	19%	10%
The lives of more female drivers have been saved by airbags than have been killed by airbags. (<i>True</i>)	68%	17%	15%
The lives of more children have been saved by airbags than have been killed by airbags. (<i>False</i>)	60%	30%	10%
If a driver wears his/her seatbelt properly, the chance of being injured by an inflating airbag is minimal. (<i>False</i>)	78%	17%	5%
Airbags cause at least as many injuries to drivers as they prevent. (<i>Don't Know</i>)	27%	67%	6%
A majority of the lives that have been saved by airbags have been among people who were not wearing seatbelts. (<i>True</i>)	39%	51%	10%



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Risk in Perspective

Airbags: Benefits and Risks



John D. Graham, Ph.D., Director



Maria Segui-Gomez, M.D., M.P.H.

...the best available estimates are that the lives of 75 drivers are being saved for each one that is being lost due to airbags.

The United States is the only country in the world that compels vehicle manufacturers to offer airbags as standard equipment on all new passenger cars and light trucks. This regulatory impetus, in conjunction with consumer interest in safety, has caused 60 million vehicles with airbags to be sold in the USA since 1989. Although half of these vehicles have driver-only airbags, the "dual" airbag technology (i.e., driver plus front-right passenger airbags) is rapidly penetrating the U.S. vehicle market. By the year 1999, it will not be possible for an American consumer to purchase a new vehicle without dual airbags (whether passenger car, minivan or light truck).

An airbag's system is comprised of three elements: a sensor that detects the deceleration rate of the vehicle in a crash, an electronic unit that monitors the operation of the system, and an airbag module that houses the inflator and the bag. The bags inflate within 0.01 seconds after the crash occurs and begin to deflate 0.2 seconds after that. The bags are designed to protect the occupant's head and chest from hitting the vehicle's interior surfaces.

In this issue of RISK IN PERSPECTIVE, we summarize what has been learned about the benefits and risks of airbags from real-world crash experience in the USA. We compare the airbag's actuarial record (i.e., the historical counts of deployment incidents and their outcomes) with what it was projected to be by analysts 10-20 years ago. We also discuss how airbag technology might change in the future in order to maximize safety benefits while reducing the unwanted risks to motorists.

Lifesaving Benefits

In 1977 the U.S. National Highway Traffic Safety Administration (NHTSA) predicted, based on experimental testing, that airbags would reduce the overall risk of fatal injury by 40% among unbelted occupants and by 10% among belted occupants. Drivers and front-right passengers were predicted to reap similar benefits and no distinctions were made about occupant characteristics (i.e., age, sex or height).

Based on actuarial data accumulated in the USA since 1986, it appears that the qualitative predictions were correct: airbags are saving lives. Death rates among drivers are lower in cars with airbag systems and these differences are not explainable by other vehicle or behavioral variables. However, the magnitude of the airbags' lifesaving effect for the unbelted driver is much smaller than projected (about 13% instead of 40%). For belted drivers, the 10% safety benefit projected by NHTSA in 1977 has proven to be about accurate. These actuarial findings are based on the plausible (yet unproved) assumption that the presence of an airbag in a vehicle does not cause any change in driver behavior that would modify the frequency of collisions (i.e., drivers of airbag-equipped vehicles getting involved in more crashes). Through post-crash investigations it has been learned that airbags have caused the deaths of at least 19 drivers who were involved in crashes of low-to-moderate severity. These drivers were predominantly short women over the age of 60 and it should be emphasized that most of

them were not wearing safety belts when the crash occurred.

The actuarial effectiveness estimates reported above account for these unfortunate side effects and thus represent the *net* lifesaving benefit for drivers. Overall, the best available estimates are that the lives of 75 drivers are being saved for each one that is being lost due to airbags. Even among female drivers, who tend to be shorter and thus may be at a higher risk of airbag-induced fatality, the actuarial data suggest that more women have had their lives saved by airbags than women have been killed by airbag deployment. Further research on the effects of airbags on short and/or elderly drivers is urgently needed.

Airbags are also saving the lives of adult front-right passengers. The net effectiveness estimates reported for front-right occupants who are older than 13 years old are similar to the actuarial estimates reported for drivers.

There is, however, one subgroup of passengers that is experiencing a net increase in fatality risk due to the introduction of airbag technology. Post-crash investigators have reported that at least 40 children under the age of 10 have been killed by passenger-side airbags in crashes that would not typically have been fatal. Most of these children were either unrestrained or improperly restrained. Although the lives of some children may have been saved by airbags, the best actuarial estimates are that the presence of a passenger-side airbag in a vehicle is associated with a net increase in the risk of child mortality of 21 to 88 percent.

Some of the danger to kids occurs when a rear-facing infant restraint is placed in the front-right seat, near the airbag housing. In this situation the infant's head and neck are highly vulnerable to the forces generated by the inflation of airbags. Toddlers or young children are also in danger when they are unrestrained or improperly restrained. Children may then be thrown forward during pre-crash braking, causing their heads to be situated too close to the airbag while it inflates. There have also been at least two instances where properly belted young children

have been killed in the front-right seat by inflating airbags.

Before airbags were mandated, it was known that, in a rare situation, a child could be harmed by airbag deployment. What has disturbed safety specialists are the frequency and the severity of the injuries that passenger-side airbags have inflicted on young children. Overall, the best estimates are that for every five lives saved by front-right passenger airbags, a life (usually a child) is lost. We are aware of no precedent in the history of preventive medicine where a mandatory measure was sustained with such a poor ratio of lifesaving benefit to fatal risk. Allowing young children to incur the bulk of the risk is particularly questionable.

Non-Fatal Injury Outcomes

It is not yet feasible to conduct a rigorous analysis of the impact of airbag technology on the incidence and severity distribution of nonfatal injuries. The preliminary findings, which have only been reported for drivers, are somewhat puzzling. The good news is that the risk of moderate to serious head injury appears to be reduced significantly by the presence of an airbag on the driver's side. However, both belted and unbelted drivers have experienced an increased rate of injury to their hands, wrists, and arms that is caused by airbag deployment. These injuries are usually minor, but a considerable proportion are moderate or serious. The medical case-report literature also has documented numerous injuries to the chest, eyes and faces of drivers who have been involved in frontal crashes where airbags deployed.

Overall, it appears that about 40% of airbag deployments result in at least one occupant injury (although most of these injuries are minor). Some of these injuries are occurring in low-speed crashes where the airbag protection was probably not necessary. More study is needed to determine the overall impact of airbags on the frequency and severity of injuries to drivers and passengers.

Public Perceptions and Attitudes

In a March 1997 telephone survey of 1,000 licensed drivers, HCRA found that

a majority of USA residents maintain favorable attitudes toward airbags, despite a significant amount of unfavorable media coverage in the year prior to the survey. A substantial majority (64%) favor the current legal requirement that all new vehicles be equipped with dual airbags. Yet, this requirement is being challenged by an increasingly vocal minority of citizens who support consumer choice about airbags. About one-third of the women reported having developed less favorable attitudes toward the technology over the last three years. NHTSA is under some political pressure to allow consumers to either have their airbag system equipped with a manual cut-off switch or to have their airbags disarmed permanently. Pro-choice groups, such as the Competitive Enterprise Institute, continue to make the case that the USA should not compel consumers to purchase cars with airbags if they do not want them.

Some intensification of the opposition to current airbag policy should be expected as more children are harmed and as citizens learn the actuarial facts about airbags. Although most citizens perceive correctly that airbags save more lives than they kill, a majority (60%) harbor the misconception that airbags save more lives of children than they kill. Most respondents (74%) are also unaware that a properly belted occupant (especially one who sits very close to the steering wheel) can suffer moderate to serious injury in a low-speed crash from an inflating airbag. And people do not realize that airbags are designed to deploy even in relatively low-speed crashes where the need for airbag protection is questionable, particularly if people are wearing safety belts.

Strategic Directions

A variety of strategies have been adopted or are under serious consideration to enhance the airbag's ratio of benefit to risk. Some of these strategies are targeted at current owners of vehicles equipped with airbags while other strategies are aimed at enhancing the design of future airbag systems. The remainder of this section describes the options under evaluation.

A massive national public education campaign has been launched by automakers, airbag suppliers, insurers, and NHTSA. It began several years ago with a focus on increasing the rate of child restraint use and safety belt use among adults. More recently it has begun to emphasize the need for children to sit in the back seat. It is too early to assess the precise impact of this national campaign.

Expectations for the national campaign's success should be modest. Human behaviors can be resistant to change, especially when low-probability dangers are balanced against immediate inconveniences and the hassles of lifestyle change (e.g., moving children to the rear seat). It is also unclear whether the current campaign will have adequate resources, longevity, and potency to influence the behaviors of owners of used vehicles who acquire airbag-equipped cars in the future.

Vehicle manufacturers have persuaded NHTSA to allow "depowering" of airbags by 25%–30%. Depowering consists of decreasing the speed at which airbags inflate and/or reducing their volume. The expectation is that this degree of depowering should reduce (but not eliminate) the number of deaths and injuries caused by airbags. It can also be expected to reduce the number of lives saved by airbags in high-speed frontal crashes when rapid deployment speed is essential.

A promising reform that has begun to receive more attention is a legal requirement that all children under the age of 12 sit in the rear seat. Several European countries (e.g., Germany and France) have had such laws since the mid-1970's and now have fewer than 1% of children riding in the front seat. In the USA, anywhere from 30 to 50% of children ride in that seating position. The National Transportation Safety Board has recently recommended that Governors and State legislators consider the value of child-seating legislation.

There are also promising refinements to airbag design on the horizon. For example, the crash speed that triggers an airbag to



ADVOCATES FOR HIGHWAY AND AUTO SAFETY

June 24, 1997

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The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern about media reports indicating that the National Highway Traffic Safety Administration (NHTSA) will be issuing a rule allowing broad deactivation of air bags. Insurance and consumer, health and safety groups support the need to ensure safety for all vehicle occupants. Toward this goal we endorsed NHTSA's proposal to permit air bags to be depowered. The overall safety of air bags will be addressed initially through depowering and ultimately through the introduction of improved air bag technology and an upgraded safety standard.

However, deactivation of air bags on demand will have a negative impact on occupant safety, further exacerbating the problems that have already been widely publicized. A lack of accurate information and media coverage about air bag-related injuries and deaths will lead many owners to deactivate their air bags when such action is not only unwarranted, from a safety perspective, but actually counterproductive. Blanket permission to deactivate air bags will encourage deactivation regardless of the safety need and any reasoned warnings to the contrary. Citizens might assume they should deactivate a safety system they have paid for if the government generally authorizes it.

NHTSA itself asserted in the proposed rule that deactivation would be an appropriate action in only limited instances and is not generally in the best interests of a driver or passenger. Deactivation is also, for all practical purposes, a permanent measure that affords no opportunity for reengaging the air bag when it is needed. NHTSA acknowledges that there is little likelihood that vehicle owners with deactivated air bags will reactivate them in a timely fashion.

Alternatively, our organizations support NHTSA granting permission on a case-by-case basis for the retrofit of air bag cutoff switches under certain conditions.

Advocates for Highway and Auto Safety -- President William J. Clinton

June 24, 1997

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The criteria for granting permission to retrofit an air bag cutoff switch should be, for example, limited to valid medical reasons for requiring a child to travel in the front seat or because a family member has an acute medical condition. The agency should establish criteria for the medical conditions that warrant a cutoff switch, and determine the documentation needed to support such a request. This would speed the time in which the agency could respond to such requests. Applications based on medical conditions could apply to either or both the driver or passenger side air bag. Any additional exceptions should be granted only after a public rulemaking which is supported by statistically valid data gathered during ongoing research.

Non-medical reasons for requesting a cutoff switch would be limited to owners who have family members that are at-risk, *i.e.*, young children or infants. NHTSA has already authorized through model year 2000 retrofit on/off switches on request of the owner of any vehicle that has a passenger-side air bag but does not have a back seat. Persons of short stature, *i.e.*, approximately 5 feet 2 inches in height or shorter, have also been the focus of much attention regarding their risk from driver-side air bags. The Notice of Proposed Rulemaking (NPRM) appears to indicate that any risk to adults of short stature is either diminishing or is not a significant factor. Based on the latest data available, such as which air bags have been depowered, NHTSA should determine whether short stature, which often results in close proximity to the steering system and air bag, should also be a basis for granting a request for installation of a retrofit cutoff switch.

To provide consumers with a timely response to a deactivation request, NHTSA should develop an expedited system for deciding requests to disconnect air bags, communicating permission to owners, and confirming that decision for dealers who are asked to install a cutoff switch.

Cutoff switches, retrofitted on the basis of need, have several important advantages over deactivation. First, restricting permission to retrofit cutoff switches to persons who are actually at risk of fatal injury from an air bag will limit the danger of widespread misuse. Second, by retaining direct contact with applicants seeking retrofit cutoff switches, NHTSA greatly improves its ability to communicate accurate information on the proper use of air bags and the cutoff switch. Third, as the agency acknowledges, cutoff switches provide knowledgeable occupants the flexibility to turn on the air bag when it is needed, deactivation does not.

While there is no panacea, NHTSA's retaining jurisdiction to permit retrofit installation of air bag cutoff switches in appropriate circumstances is the best way to balance the equities while affording protection to those who need it.

NHTSA estimates that air bags have deployed more than 1.2 million times in crashes and saved nearly 2000 lives. Furthermore, air bags are reducing serious injuries to the head and chest.

Advocates for Highway and Auto Safety -- President William J. Clinton

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Thousands more lives will be saved and hundreds of thousands of life threatening injuries will be averted as the number of air bag-equipped vehicles in the fleet increases.

For these reasons, we urge your Administration to issue a rule that discourages widespread deactivation in the interest of safety, and if it is determined to be needed, to require availability of a retrofit on/off switch.

Sincerely,

Advocates for Highway and Auto Safety
Alliance of American Insurers
American Insurance Association
American Public Health Association
Center for Auto Safety
Consumer Federation of America
Independent Insurance Agents of America
Kemper Insurance Companies
Liberty Mutual Insurance Company
National Association of Professional Insurance Agents
Nationwide Mutual Insurance Company
Progressive Insurance
Public Citizen
State Farm Insurance Companies
The Hartford
Trauma Foundation



ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

**NEWS
RELEASE**

June 24, 1997

CONTACT: Cathy Hickey
(202) 408-1711

Insurer and Consumer Groups Call on President Clinton to Oppose Widespread Deactivation of Air Bags

A coalition of the nation's leading insurance organizations, consumer, safety, health and law enforcement groups today called on President Clinton to oppose widespread deactivation of air bags. The National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation, is expected to issue a final rule in July that could allow broad deactivation of air bags.

In a letter delivered today to the President, the group stated their collective opinion that, "... deactivation of air bags on demand will have a negative impact on occupant safety, further exacerbating the problems that have already been widely publicized ... Blanket permission to deactivate air bags will encourage deactivation regardless of the safety need and any reasoned warnings to the contrary. Citizens might assume they should deactivate a safety system they have paid for if the government generally authorizes it ... Deactivation is also, for all practical purposes, a permanent measure that affords no opportunity for reengaging the air bag when it is needed ... Alternatively, our organizations support NHTSA granting permission on a case-by-case basis for the retrofit of air bag cutoff switches under certain conditions."

As stated in the letter to the President, "NHTSA estimates that air bags have deployed more than 1.2 million times in crashes and saved nearly 2000 lives. Furthermore, air bags are reducing serious injuries to the head and chest."

A copy of the letter is attached. For additional information on Advocates' position on air bags, please call the number above. Advocates for Highway and Auto Safety is a broad-based alliance of consumer, safety, health and law enforcement groups and insurance organizations working together to promote effective highway safety legislation and policies at both the state and federal levels. For more information on Advocates, please visit our homepage on the world wide web at <http://www.saferoads.org>.

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ADVOCATES FOR HIGHWAY AND AUTO SAFETY

June 24, 1997

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Insurance Company

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Gerald Maatman
Kemper Insurance Companies

Robert J. McMillan
Progressive Insurance

Robert Vagley
American Insurance Association

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern about media reports indicating that the National Highway Traffic Safety Administration (NHTSA) will be issuing a rule allowing broad deactivation of air bags. Insurance and consumer, health and safety groups support the need to ensure safety for all vehicle occupants. Toward this goal we endorsed NHTSA's proposal to permit air bags to be depowered. The overall safety of air bags will be addressed initially through depowering and ultimately through the introduction of improved air bag technology and an upgraded safety standard.

However, deactivation of air bags on demand will have a negative impact on occupant safety, further exacerbating the problems that have already been widely publicized. A lack of accurate information and media coverage about air bag-related injuries and deaths will lead many owners to deactivate their air bags when such action is not only unwarranted, from a safety perspective, but actually counterproductive. Blanket permission to deactivate air bags will encourage deactivation regardless of the safety need and any reasoned warnings to the contrary. Citizens might assume they should deactivate a safety system they have paid for if the government generally authorizes it.

NHTSA itself asserted in the proposed rule that deactivation would be an appropriate action in only limited instances and is not generally in the best interests of a driver or passenger. Deactivation is also, for all practical purposes, a permanent measure that affords no opportunity for reengaging the air bag when it is needed. NHTSA acknowledges that there is little likelihood that vehicle owners with deactivated air bags will reactivate them in a timely fashion.

Alternatively, our organizations support NHTSA granting permission on a case-by-case basis for the retrofit of air bag cutoff switches under certain conditions.

Advocates for Highway and Auto Safety -- President William J. Clinton
June 24, 1997
Page 2

The criteria for granting permission to retrofit an air bag cutoff switch should be, for example, limited to valid medical reasons for requiring a child to travel in the front seat or because a family member has an acute medical condition. The agency should establish criteria for the medical conditions that warrant a cutoff switch, and determine the documentation needed to support such a request. This would speed the time in which the agency could respond to such requests. Applications based on medical conditions could apply to either or both the driver or passenger side air bag. Any additional exceptions should be granted only after a public rulemaking which is supported by statistically valid data gathered during ongoing research.

Non-medical reasons for requesting a cutoff switch would be limited to owners who have family members that are at-risk, *i.e.*, young children or infants. NHTSA has already authorized through model year 2000 retrofit on/off switches on request of the owner of any vehicle that has a passenger-side air bag but does not have a back seat. Persons of short stature, *i.e.*, approximately 5 feet 2 inches in height or shorter, have also been the focus of much attention regarding their risk from driver-side air bags. The Notice of Proposed Rulemaking (NPRM) appears to indicate that any risk to adults of short stature is either diminishing or is not a significant factor. Based on the latest data available, such as which air bags have been depowered, NHTSA should determine whether short stature, which often results in close proximity to the steering system and air bag, should also be a basis for granting a request for installation of a retrofit cutoff switch.

To provide consumers with a timely response to a deactivation request, NHTSA should develop an expedited system for deciding requests to disconnect air bags, communicating permission to owners, and confirming that decision for dealers who are asked to install a cutoff switch.

Cutoff switches, retrofitted on the basis of need, have several important advantages over deactivation. First, restricting permission to retrofit cutoff switches to persons who are actually at risk of fatal injury from an air bag will limit the danger of widespread misuse. Second, by retaining direct contact with applicants seeking retrofit cutoff switches, NHTSA greatly improves its ability to communicate accurate information on the proper use of air bags and the cutoff switch. Third, as the agency acknowledges, cutoff switches provide knowledgeable occupants the flexibility to turn on the air bag when it is needed, deactivation does not.

While there is no panacea, NHTSA's retaining jurisdiction to permit retrofit installation of air bag cutoff switches in appropriate circumstances is the best way to balance the equities while affording protection to those who need it.

NHTSA estimates that air bags have deployed more than 1.2 million times in crashes and saved nearly 2000 lives. Furthermore, air bags are reducing serious injuries to the head and chest.

Advocates for Highway and Auto Safety -- President William J. Clinton
June 24, 1997
Page 3

Thousands more lives will be saved and hundreds of thousands of life threatening injuries will be averted as the number of air bag-equipped vehicles in the fleet increases.

For these reasons, we urge your Administration to issue a rule that discourages widespread deactivation in the interest of safety, and if it is determined to be needed, to require availability of a retrofit on/off switch.

Sincerely,

Advocates for Highway and Auto Safety
Alliance of American Insurers
American Insurance Association
American Public Health Association
Center for Auto Safety
Consumer Federation of America
Independent Insurance Agents of America
Kemper Insurance Companies
Liberty Mutual Insurance Company
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NEWS RELEASE

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Deactivation Rule: Content and Status

6/24
- Katz
- Necht
- Elana
- Leuth

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.

- departing rule for fall 1997

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.

Spooling out

- 60 million on new cars -
- Now approve only because medical problem/kids up front.
- 5 risk groups
 - per short drivers - closer than 10 inch.
 - passenger - kids in front.

Car companies "on demand."

- Deadlines

- Outreach to groups and Congress

-

Key - priorities for DeLauro
Nancy Ann - This is the priority

Insurer Group Backs Choice on Air Bags

Institute Fears Consumer Revolt Against Rule

By Warren Brown

Washington Post Staff Writer

The Insurance Institute for Highway Safety, in a remarkable turnabout, has recommended that federal auto safety officials allow consumers to deactivate air bags in their cars.

The recommendation carries weight because the institute played a leading role in persuading the government to require air bags in cars and has been an ardent advocate of the devices for three decades. But the institute said that if the government does not allow deactivation, public pressure might lead to elimination of the requirement that cars be equipped with air bags.

The institute, which is headquartered in Arlington, sent its views Feb. 5 to the National Highway Traffic Safety Administration. The NHTSA, which requires car owners to obtain its permission before disconnecting air bags, is considering a proposal that anyone be allowed to decide whether to deactivate the bags.

Consumer advocates who fought beside the institute to force automakers to install air bags criticized the organization's new position, which was described yesterday by the institute's president, Brian O'Neill.

"This is a switch of positions, and I disagree with it," said Joan Claybrook, a former NHTSA administrator and a staunch air bag advocate who is president of Public Citizen, a Washington-based consumer group. "Once air bags are deactivated, they are hard to reconnect," she said.

Automakers who in the past fought institute efforts for government rules

requiring air bags also said they oppose the institute's new position.

Since the mid-1980s, when it became apparent that the government would mandate air bags, auto companies have invested billions of dollars in developing air bag systems that would work in concert with shoulder harnesses and lap belts to help protect vehicle occupants in crashes.

Those systems are in place and are doing a good job of saving lives despite recent reports of 62 deaths caused by air bag deployments, said William Noack, a Washington spokesman for General Motors Corp.

"A deactivation policy is just not the way to go. Air bags and seat belts work together as a system. Deactivation by whatever means eliminates a vital part of that system," Noack said.

But O'Neill said the institute had no choice except to back the NHTSA proposal for allowing deactivation because of the growing public sentiment against air bags. The alternative would be to allow that sentiment to build up enough political force to pressure Congress into scrapping its 1991 law mandating the installation of air bags in car and trucks, O'Neill said.

"This is a pretty tough call," O'Neill said. "It's hard to characterize our position, except to say that it reflects the realities as they are today. It's a strategic concession."

In his letter to NHTSA Administrator Ricardo Martinez, O'Neill said, "If large numbers of vehicle owners ... seek to have their air bags disconnected, even though situations are rare in which this would make sense, then

See AIR BAGS, C14, Col. 1

AIR BAGS, From C11

NHTSA has no choice but to provide a procedure to allow this option. The Institute reluctantly supports NHTSA's proposal to permit deactivation because providing this alternative may be necessary to reduce public pressure that otherwise could lead to demands to eliminate federal air bag requirements."

Current air bags deploy at rates ranging from 97 miles per hour to 200 mph. The "punch" of the higher-speed bags has been blamed for killing 38 children and 24 adults, mostly small women, since 1993.

Air bag deactivation is one of several steps NHTSA has considered taking as a temporary measure until safer air bag systems can be developed and installed. Since January, the agency has allowed automakers to reduce the deployment speed of bags and has permitted the limited installation of air bag off-on switches in cars and trucks equipped with no rear seat. The agency also is considering a proposal to allow off-on switches in cars and trucks that have back seats.

A NHTSA official said yesterday that "there was no consensus" in the more than 500 written statements submitted during the 30-day comment period on the deactivation proposal. Other sources familiar with NHTSA's deliberations in the matter said the agency likely will issue a final ruling within the next two weeks.

The Washington Post

WEDNESDAY, MARCH 26, 1997

IN BRIEF

Congress Has Reservations About Oklahoma's Status

Congress is moving to fix a legal quirk that essentially classifies much of Oklahoma as an Indian reservation for tax purposes, allowing corporations to take investment write-offs that were never intended.

The chairmen of Congress' main tax committees have introduced bills to change the arrangement. But in the meantime at least one major accounting firm has been recommending that its clients take advantage of the favorable tax treatment.

The 1993 budget bill, which set up the arrangement, "was not intended to give tax breaks to people or corporations that have no direct connection to the Indian lands targeted for relief," said Rep. Bill Archer (R-Tex.), chairman of the House Ways and Means Committee.

The issue concerns language that was designed to expand the use of "empowerment zones" to encourage economic growth on tribal lands.

The definition of an Indian reservation is tricky for Oklahoma, a state with a large American Indian population but no formal reservations. Many federal benefit programs for Indians require that they reside on reservations.

To deal with that problem, lawmakers in the 1974 Indian Financing Act designated "former Indian reservations in Oklahoma" as eligible for benefits.

According to Ways and Means, that definition "results in most of the state of Oklahoma being eligible for special tax incentives."

The bill introduced by Archer and Senate Finance Committee Chairman William V. Roth Jr. (R-Del.), supported by ranking Democrats on the panels, would change the definition of a reservation so it applied only to Indian lands held in federal trust and not to former reservations. The bill clarifies that the special tax incentives would be available to reservations and areas designated as "Indian country" under the 1978 Indian Child Welfare Act.

—Associated Press

IRS Is Answering the Call

■ With the April 15 tax deadline about three weeks away, the Internal Revenue Service plans to keep its tax help lines open the next three Saturdays to handle the crush of last-minute filers.

The toll-free IRS tax help line—1-800-829-1040—is open weekdays from 7:30 a.m. to 5:30 p.m. EST, and the agency will add Saturday hours, from 10 a.m. to 2 p.m. EST, through April 12. The General Accounting Office reported last week the IRS is doing a better job on the phone this year, with the agency answering 11.3 million calls in the first two months of this year, up from 9 million calls in the same period in 1996.

Taxpayers who get busy signals can take other avenues. The IRS Internet site has a collection of tax information and forms that can be downloaded.

The IRS Web site is <http://www.irs.ustreas.gov>

—Associated Press

The Washington Post

WEDNESDAY, MARCH 26, 1997

Date: 03/17/97 Time: 08:40

AHarvard survey shows passenger-side air bags misunderstood

BOSTON (AP) Most Americans mistakenly believe air bags help more children than they hurt, according to a survey released today. The safety devices have actually killed at least 38 children, far overshadowing any possible cases of youngsters being saved.

Nearly 60 percent of adults polled believe that passenger-side air bags are saving more children's lives than not, said the Center for Risk Analysis at the Harvard School of Public Health.

Air bags, which deploy at up to 200 mph, are credited with saving more than 1,600 adults. But there are no documented cases of a child being saved by an air bag, said center director John Graham, whose research two decades ago helped get air bags into cars. Industry representatives could not be reached for comment.

Although survey participants recognized that air bags can save lives, they were unclear about the range of injuries that air bags can cause.

"The public has a perhaps excessively optimistic and favorable view of what air bags are doing for them," Graham said.

Of the 38 children killed to date by air bags, all were sitting in the front passenger seat and most were decapitated, Graham said.

Nine of those were infants. Of the 29 older children, 25 were not wearing seat belts and two were wearing lap belts without shoulder belts, according to Brian O'Neill, president of the Insurance Institute for Highway Safety in Arlington, Va.

And at least 20 adults, mostly smaller women, have been killed by air bags.

"The public has missed the point that most of the deaths and serious injuries involve people who were unbelted or had placed children or infants improperly in seats in front of passenger air bags," said O'Neill, whose institute is financed by the insurance industry.

Automakers, the government and safety groups say children 12 and under should sit in the back seat. Yet fewer than 25 percent of the center's survey respondents with children in their homes knew the correct answer. Children are 30 percent to 50 percent safer in the back seat, Graham said.

Most respondents, however, knew it was dangerous to put an infant in a rear-facing restraint in front of a passenger-side air bag. Rear-facing seats put a child's head close to the air bag.

Parents often argue it's more convenient to have a child sitting in the front. But more than 70 percent of survey respondents favored a law in their states requiring children under 10 to be buckled in the rear seat.

The random poll of 1,000 Americans in 48 states was taken by telephone Feb. 28-March 2 by Market Facts Inc. of Chicago. The potential margin for error was plus or minus 4 percentage points.

An Associated Press poll in December found that 88 percent of adults believe it is important to put small children in the back seat in cars with a passenger-side air bag. Only 10 percent said it was not important to put a child under age 12 in the back seat all the time.

APNP-03-17-97 0849EST

Date: 02/28/97 Time: 13:52

ASmall women face difficulties in getting air bags disconnected

WASHINGTON (AP) Carleen Ogg says she won't drive a new car because she fears the air bag could kill her.

The Montrose, Colo., woman is 4 feet 11 inches tall and sits close to the steering wheel of her 1992 Ford Escort so she can reach the pedals.

Most of the 23 adults who have been killed by air bags were, like Mrs. Ogg, short women.

"I am scared to death of driving a vehicle with a driver's side air bag because I can't figure out how to drive it from the back seat," Mrs. Ogg wrote the National Highway Traffic Safety Administration recently in support of its proposal to let consumers choose whether to disconnect an air bag.

The Clinton administration wants to make it easier for consumers to get air bags disabled in view of questions over air bag deployments in lower-speed accidents.

The safety devices, credited with saving an estimated 1,700 lives, also have been blamed for the deaths of 38 children and 23 adults in survivable accidents.

But automakers, dealers, repair shops and consumer organizations all have lined up in opposition to the administration's proposal to allow mechanics to disconnect air bags for any consumer who wants it done.

The safety agency has received more than 500 responses to its proposal. Many of them were from women 5 feet tall or shorter.

"For the sake of all 'small adults,' please approve ... this proposal as quickly as possible," said Evelyn Vandiver, 70, of Charlotte, N.C.

"I am afraid of the air bags," said Phyllis Vranich, 63, of Whitmore Lake, Mich., who is under 5 feet tall. "There are a lot of people who believe in personal choice, not Big Brother."

The auto industry and consumer groups are concerned about reduced safety in cars without working air bags. Auto dealers and repair shops fear being sued for injuries or deaths the air bag might have prevented.

Most automakers support deactivating air bags only if a person has a medical need or other compelling reason not to have an air bag.

Four former chiefs of the highway safety agency recently joined in criticizing the Clinton proposal, saying it could erode public support for safety standards.

The industry is more supportive of the idea of cutoff switches for air bags in vehicles already on the road. That puts the responsibility for turning off the safety device on the occupants.

Nearly 100 people, including Mrs. Ogg, wrote the agency in support of cutoff switches. She and her husband, Glenn, are in the market for a family car to replace their 14-year-old Jeep. But Glenn Ogg is 5 feet 9 inches tall and wants to have the protection of an air bag.

Mrs. Ogg prefers a cutoff switch in her vehicle to turn the air bag on and off depending on who is driving.

"It's frustrating," said Mrs. Ogg, 46. "I can make this

decision for myself. I won't drive a new car with an air bag.'

Agency officials are reviewing all the comments and expect to announce a decision in the next month.

'The bottom line is that all these groups have to be brought together in such a way as to serve the American public,' said Ricardo Martinez, NHTSA's chief.

The NHTSA proposal would require consumers to read a safety brochure and sign a consent form before an air bag was disconnected. It would also require labels inside the car warning riders the air bag had been disconnected.

It is illegal now for anyone other than the car's owner to disconnect an air bag something few people know how to do. Agency officials have granted hundreds of waivers for medical reasons, but say the rest must wait until the final policy is settled on disconnecting the devices.

APNP-02-28-97 1401EST

DRAFT

FOR IMMEDIATE RELEASE

NHTSA 96-96

Contact: Barry McCahill

Tel. No.: (202) 366-9550

**NHTSA ANNOUNCES EXTENSIVE PLAN
TO REDUCE AIR BAG DANGERS
AND IMPROVE AIR BAG TECHNOLOGY**

The National Highway Traffic Safety Administration (NHTSA) today announced five major actions to continue stepped-up efforts to preserve the benefits of air bags, while minimizing their danger to children and at-risk adults.

The steps announced today include enhanced warning labels, depowering of air bags and extending the use of cut-off switches in vehicles without a rear seat for children for today's vehicles, while accelerating the development of "smart air bag" technology for future vehicles.

Joined at a news conference by safety advocates and representatives of the auto and insurance industries, NHTSA Administrator Ricardo Martinez, M.D., said, "We are proposing a comprehensive range of solutions for present and future vehicles to give consumers both peace of mind and the information they need to use air bags safely.

"Central to all of the steps we are announcing is that children age 12 and under should always ride in the back seat, buckled up, and away from the air bag. Regulatory actions will make tomorrow's air bags safer for children, but too many are at risk in the interim if parents do not insist children ride in the back seat," Dr. Martinez said.

Noting that this is the first time that a safety proposal has the unified support of safety advocates, insurers and the automobile industry, Dr. Martinez said, "This Administration believes that progress is best made by working together on issues to the betterment of the American people. We want to be decisive, not divisive."

Dr. Martinez announced the five-step approach to reduce air bag dangers that will be implemented by the National Highway Traffic Safety Administration (NHTSA):

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Depowering for safety. A Notice of Proposed Rulemaking that authorizes manufacturers to depower air bags temporarily an average of 20-30 percent, thereby reducing the deployment force. This proposal will be in place until smart air bag technology is phased into new cars. NHTSA believes that this level of depowering will reduce the incidence of injury and improve the performance of air bags for belted occupants, including children and small stature adults, while still providing significant protection for unbelted occupants. NHTSA will seek comments on its proposed changes to the federal standards with the goal of modifying all new vehicles within one year.

Improving warning labels A final rule requiring new, highly visible warning labels for all new cars and light trucks beginning in 90 days and in effect until "smart" air bags are available. The labels, which have been consumer-tested in focus groups, will be affixed to both sides of the sun visor so they will be visible when the visor is either up or down. In addition, new vehicles will be required to have a prominent but removable warning label affixed to the center of the dashboard as a dramatic reminder at the time of purchase.

A final rule requiring a new, highly visible air bag danger warning label on child safety seats. The label will be affixed where the child's head rests so that it can be seen readily by parents or others who have child passengers in their vehicle.

Next generation air bags A Notice of Proposed Rulemaking setting a phase-in schedule for the next generation of air bags by the end of this century. With the growth of research and competition in air bag technology, NHTSA believes that so-called "smart bags" will provide the next quantum leap in frontal crash protection, and wants to encourage both their rapid development and design flexibility. Smart bags will effectively "tailor" the deployment to the size of the occupant and the crash circumstances.

A better system for switches A final rule extending the agency's existing policy of permitting manufacturers to install manual cutoff switches in vehicles without a back seat, or with a back seat that is too small to install a child safety seat. A cutoff switch enables the driver of a pickup truck, for example, to disable the air bag when a child is in the passenger seat, and turn it back on for an adult passenger.

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A Notice of Proposed Rulemaking to permit dealers to deactivate the air bags of any owner who requests it. A liberal deactivation policy, as opposed to the current policy of case-by-case approval by NHTSA, is intended to provide families that need to car pool children, short-stature individuals, those with certain medical conditions, and others who are concerned about potential air bag dangers, with a legal avenue to turn them off. Existing federal law prohibits dealers from rendering any safety equipment inoperative. Automobile dealers will be asked to help their customers make informed decisions by providing them with NHTSA guidance on the pros and cons of deactivating the air bag system, and by installing a label indicating that the air bag has been disabled.

Increasing public awareness. NHTSA will increase its own air bag public awareness activities and coordinate them with information efforts underway by the national Air Bag Safety Campaign, the coalition that it organized last year involving car companies, insurers and safety groups. It also plans a national distribution of copies of a warning label, using state motor vehicle offices, fast food chains, convenience stores and other outlets, and is using its popular public service characters, "Vince and Larry," to help convey information about air bag dangers as part of their seat belt message.

NHTSA is also announcing a joint research program with Canada to improve the testing of air bags and crash protection for children and women. This program will lead to better dummy and vehicle designs and improved safety standards. Last week, NHTSA received the support of the international research community, including government and industry representatives, to place a priority on this needed research.

Dr. Martinez said, "We at NHTSA know of 31 children and 19 adults killed by air bags, numbers that could increase significantly -- especially the child fatalities -- unless the federal air bag requirement is modified.

"It is important to recognize the benefits air bags are providing us today. Overall, air bags are working well and are responsible for an 11 percent reduction in driver fatalities in passenger cars, including a 30 percent reduction in fatalities in head-on crashes. They are credited with saving more than 1,500 lives since 1986 when they began appearing in the U.S. fleet," Dr. Martinez said.

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Dr. Martinez said that in addition to these NHTSA regulatory actions, motor vehicle manufacturers have agreed to send a letter to every owner of a vehicle with an air bag and will be encouraged to include a warning label. "Air bag owners, and especially parents, need a one-on-one communication that tells them in a very direct manner about the potential danger and provides guidance on how to use air bags safely."

NHTSA began alerting the public about potential air bag dangers to children as early as 1991, when the first passenger-side air bags began entering the market and before it knew of any child fatalities. It has since issued a number of consumer advisories and worked with the news media, highway safety community, auto and insurance industries and the medical community to increase public awareness of both the problem and the immediate solution -- placing children in the back seat, buckled up.

In August 1996, the agency proposed changes to the federal air bag requirement to encourage the introduction of "smart" air bag systems and to provide relief to owners of existing vehicles equipped with air bags.

The federal automatic crash protection standard -- which originally could have been met by air bags, automatic seat belts, or some other technology -- was established in July 1984 by the Department of Transportation and called for a phase-in of automatic or "passive" occupant protection. The Congress in 1991 directed NHTSA to amend the standard to require air bags only for all new cars manufactured after September 1997 and for light trucks the following year. Responding to market demand, manufacturers exceeded that timetable and today virtually all new cars and trucks offer dual air bags.

Dr. Martincz said the consumers who have questions or concerns about air bags should contact the agency's toll-free Auto Safety Hotline at (800) 424-9393. For up-to-date information on air bag issues, contact NHTSA's World Wide Web site at: <http://www.dot.gov/affairs/index.htm>

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*An electronic version of this document can be obtained via the World Wide Web at:
<http://www.dot.gov/affairs/index.htm>*

DRAFT**AIR BAG CHRONOLOGY**

July, 1969 -- NHTSA publishes an advance notice of proposed rulemaking requesting comments on the merits of crash protection systems that protect vehicle occupants by means that require no action on the part of the occupants, and specifically mentions the possibility of meeting such a requirement by means of air bags.

November, 1970 -- NHTSA publishes a final rule that required automatic crash protection for all passenger cars as of July 1973, and for most light trucks and vans as of July, 1974.

December, 1972 -- In Chrysler vs. DOT, the Court overturned the automatic protection requirements, although the Court found that NHTSA had authority to promulgate such requirements and the automatic protection requirements that were then established met the need for motor vehicle safety. However, the requirements were invalid because the specifications for a test dummy were inadequate.

December, 1976 -- Secretary William Coleman implements a demonstration program intended to resolve any concerns about the public acceptability and real world effectiveness of automatic crash protection.

July, 1977 -- Secretary Brock Adams reimposes the automatic protection requirements on a phased in schedule. This would have required passenger cars to provide automatic protection beginning in the 1982 model year.

February, 1981 -- Secretary Drew Lewis rescinds the automatic protection requirements, based on economic considerations and the question of the safety benefits of detachable automatic safety belts.

June, 1983 -- The Supreme Court declares the 1981 rescission of the automatic protection requirements unlawful. This decision guided the Department's subsequent consideration of these requirements.

July, 1984 -- Secretary Dole reinstates the automatic crash protection requirements on a phased in schedule. This decision became the first requirement for automatic protection that actually went into effect.

December, 1991 -- President Bush signs a Federal law requiring that air bags, supplemented by manual lap/shoulder belts, be the means of automatic crash protection offered in all new cars by the 1998 model year and in all new light trucks and vans by the 1999 model year.

1991 -- NHTSA began alerting the public about potential air bag dangers to children when the first passenger-side air bags began entering the market, before it knew of any fatalities. Subsequently, including in October 1995, it issued a number of consumer advisories that received extensive national news media attention.

-- NHTSA has worked closely with the highway safety community, auto and insurance industries, the Center for Disease Control and others to increase public awareness of the problem and the immediate solution - placing children in the rear seat, and properly using seat belts or child safety seats.

-- In February, 1994, Secretary Pena announced a requirement that new rear-facing child seats be labeled by the manufacturers with a clearly visible warning against using them in seating positions equipped with an air bag, and that vehicles with the passenger side air bag include a similar warning on the sun visor and in the owners manual.

-- In May, 1995, NHTSA announced a regulation permitting manufacturers to install a manual cutoff switch for the passenger side air bag in vehicles that have no rear seats or have rear seats that are too small to accommodate typical rear-facing infant seats.

-- In May, 1996, Secretary Pena announced the formation of a \$10 million coalition to amplify public awareness and encourage behavioral changes that are critical to preventing injuries and fatalities. The coalition, organized by NHTSA, consists of the motor vehicle industry, insurers, and safety groups. It will conduct a public information campaign to alert the public of air bag danger, encourage stricter enforcement of existing state seat belt and child passenger safety laws, and work to pass primary seat belt laws.

-- The agency also initiated an extensive air bag research program to look for ways to encourage their life-saving attributes while minimizing adverse consequences. Initial findings were available at the end of September, 1996.

-- On August 1, 1996, Secretary Pena proposed changes to the federal air bag requirement to encourage the introduction of new air bag technology - a "smart" system that enable the air bag to deploy safely when an unbelted child is present. Until the new technology is in place, he proposed that manufacturers be required to put new and more prominent air bag warning labels inside their vehicles. The comment period ended September 20.

NHTSA Press Clips: Monday, November 18, 1996

What to Do About Air Bags

WHEN CONGRESS passed a law in 1991 requiring air bags in all new cars and trucks, the move was widely hailed as a grand blow for transportation safety. The logic and life-saving potential of such a policy seemed obvious. But now—after sales of some 12 million new cars and trucks equipped with dual air bags, serious concerns have been raised about the dangers of these devices: In the past three years, at least 30 children have been killed by passenger-side air bags. According to one analysis of government data done for USA Today, air bags are killing two children for every one they save. The speeds at which the bags are deployed—up to 200 mph—pose dangers not only for children but also for short or slight-framed adults. What should the government do?

The bags are credited with saving lives, nearly 500 in the past year alone. But they are considered to be supplemental restraints—not substitutes for the clearly effective lap and shoulder belts. The short-range response, say some auto safety groups, should be to stress belt use—toughening laws in many states—while urging that children be in safety seats in the back. In

addition, they would mandate readily visible warnings in the vehicles. But is this enough? Are all parents comfortable with putting the children in the back—and what about a carload of children?

Other groups support on-off switches. That may be a reasonable option pending improvements in the air bags. Meanwhile, air-bag suppliers are pushing various "smart bag" systems with sensors that could either turn off or adjust the force of bags, but that technology still needs refining. The most promising immediate step would be to allow bags that can deploy with less force than the ones being installed today. Manufacturers say this could be done relatively quickly.

There is no reason for a wholesale overturning of the air-bag requirements—but the law ought to allow either an on-off option or bags that deploy with less power. Having taken longer than it should have, the National Highway Traffic Safety Administration is expected to indicate what adjustments of the law it has in mind. Either adjust the force or allow control switches.

11-18 WASH Post

Children's Deaths Spur Backer of Air Bags to Rethink

By ASRA Q. NOMANT
AND GABRIELLA STERN

Staff Reporters of THE WALL STREET JOURNAL
Joan Claybrook has made a career of flogging auto makers for dragging their feet on safety improvements. But now the matriarch of Washington's auto-safety lobby, who was instrumental in requiring air-bag safety systems in cars, has been forced into a humbling retreat.

The reason: Air bags are killing children. And now Ms. Claybrook has reached out to her longtime nemesis, Detroit's Big Three auto makers, to negotiate a solution. As a result, some of the people who have frequently helped Ms. Claybrook and her allies to pressure regulators, Congress and industry for tougher safety rules — the bereaved survivors of crash victims — have occasionally wondered if she's truly on their side.



Joan Claybrook

Robert Sanders, a Baltimore lawyer whose seven-year-old daughter was killed by an inflating air bag, said he was "confused" to learn Ms. Claybrook was apparently embracing an industry-proposed solution that he regarded as unsatisfactory. Surprised, he sought an explanation. After hearing her side, he says he concluded the safety advocates "have a broader agenda." He hopes a deal between Ms. Claybrook and the industry would save lives, but he says, "I'm not fully persuaded children will be saved."

No Apologies

Ms. Claybrook, a protégé of consumer activist Ralph Nader and the president of Public Citizen, the advocacy group Mr. Nader founded, offers no apologies. "I just want closure," the 59-year-old says. "I'm trying to have us all come together — to stop the death and injury."

The National Highway Traffic Safety Administration says that in the past seven years inflating air bags have killed 30 children as well as 19 adults, most of them small women. Most of the children weren't wearing safety belts and were seated up front instead of in the back, which is safer. The Big Three want NHTSA's permission to reduce the force with which air bags inflate.

Auto and insurance industry officials say NHTSA recently has indicated it will seek public comment over a 30-day period on two competing proposals to reduce air-bag force, rather than immedi-

ately choosing one of them. An announcement is expected soon. The proposals — one from the auto industry, the other from NHTSA — would "depower" air bags differently, using distinct testing methods. Late last week at an air-bag summit in Toronto, international auto manufacturers united behind the U.S. industry plan to test new air bags through sudden acceleration and deceleration rather than the traditional method of ramming a car into a concrete barrier. They argue that crash-barrier tests are more severe than real-world accidents, requiring more forceful air bags that would take more time to install.

The industry officials say both plans would better protect smaller drivers, who often sit only inches from an air bag, and babies in rear-facing child seats. However, they concede neither plan would fully protect small children who aren't wearing seat belts properly and are positioned close to the dashboard — the kind of situation that resulted in the deaths of most of the 30 children.

Ms. Claybrook has swung toward the industry's position in recent days. Even after NHTSA started warning of air-bag perils last year, she opposed depowering bags, which would require changing the air-bag rules for which she battled with auto makers in the 1970s and 1980s.

Ms. Claybrook crusaded for putting air bags in cars when she was NHTSA administrator under President Carter and later when she joined Public Citizen. Car makers' reluctance to embrace them, she said in a 1985 speech, was based on "inaccurate criticisms."

Risk to Children Cited

One of industry's arguments was that the devices could harm children. They offered evidence in congressional hearings and in a Sept. 27, 1979, letter to Ms. Claybrook when she still was head of NHTSA. "Through extensive development testing, we became concerned about the potential for risk of injury to unrestrained small children," wrote Betsy Ancker-Johnson, then a GM vice president.

But the concerns fell by the wayside as Congress, at the prodding of Ms. Claybrook and other advocates, ultimately mandated a phase-in of passenger and driver side air bags in 1991. By then, auto makers learned to use them as potent marketing tools. Today, auto makers blame Ms. Claybrook for rushing them to production.

"All along, the auto industry said, 'Hey, air bags are going to save lives, but we are concerned there are going to be some unfortunate consequences for improperly restrained occupants,'" says Jason Vines, a Chrysler Corp. spokesman. "For a long time, she was saying, 'No way in hell are we going to open up the federal

safety standard.' Now it appears she has seen the light."

Ms. Claybrook notes that air bags have saved about 1,100 lives and says auto makers have been tardy in developing effective air-bag technology. "What do I have to feel guilty about?" she asks. "About getting the auto industry to do its job? To save lives?" She argues the responsibility for bringing out the very safest air bags rests with the auto industry.

Still, Clarence Ditlow, a longtime friend of Ms. Claybrook who heads the Center for Auto Safety, another Nader group, says advocates should have pushed harder for additional research on potential harm to children. "Maybe we share in the responsibility," he says.

'A Magnificent Technology'

After NHTSA issued a warning in October 1995, Ford Motor Co. proposed changing federal rules so air bags wouldn't have to inflate as fast as they do. Ms. Claybrook called the idea "the least desirable technical remedy" and argued that more attention should be paid to air-bag design. She said air bags represent a "magnificent technology that's saving huge numbers of lives and has a few imperfections."

But she, Mr. Ditlow and other safety advocates began rethinking their position amid increasing media scrutiny. NHTSA was considering requiring auto makers to offer an on-off switch for air bags, allowing drivers to disable the devices, depending on the passenger. The advocates worried it would be a dangerous first step toward eliminating air bags altogether, undoing their years of toil.

In a series of recent phone conversations, Ms. Claybrook suggested to her fellow advocates that it might be time to

Continued

seek a compromise. "Joan is a great politician," Mr. Dittlow says. "She said to us, 'Let's figure out what they want and what we want and if we can live with that.'"

She called Barry Felrice, a former NHTSA associate administrator and longtime acquaintance who worked for her while she was in charge of the agency. He was hired last summer by the American Automobile Manufacturers Association, the lobbying group for the Big Three. On Nov. 8, he met with her, Mr. Dittlow, an insurance industry official and four other safety advocates at Public Citizen's Washington offices.

Ms. Claybrook told Mr. Felrice the advocates would no longer oppose depowering of air bags, but the industry will have to back a federal mandate for advanced "smart" air bags that automatically adjust to the size of passengers. She pressed for warning labels and a campaign to tell people to seat children in the rear. In the end, she requested a formal proposal from the Big Three encompassing all these elements. He's understood to have agreed to take the idea back to Detroit.

NHTSA must make the final call but after being blasted for settlements of safety disputes with General Motors Corp. and Chrysler in the past two years, top administrators are likely to listen closely to the advocates' views. And Ms. Claybrook says she's ready to fight again if necessary. "Without a package" of air-bag proposals, "no one is going to support anything."

Her one regret is that she didn't press the industry to take care of this a long time ago. "That was my major mistake," she says. "I trusted the manufacturers to do the right thing."

The Lives It Costs to Save Lives

11/17 NY Times

By MATTHEW L. WALD

AT first, anything that improved the crashworthiness of a car was good for everybody: shatter-proof windshields, padded dashboards, crumple zones and the like. Then came the air bag.

The National Highway Traffic Safety Administration is now facing a moral quandary, and safety advocates are beginning to learn about the law of unintended consequences.

On the driver's side the air bag seems to be an unqualified good, because in a crash it protects the driver from the steering wheel, a spear aimed at the heart. On the passenger's side, though, air bags have killed about 30 children and 19 adults of below-average height by hitting them in the face so hard their necks were broken; dozens more have been badly hurt.

Blessed Are the Belted

Car manufacturers, which first resisted mandatory airbags and then embraced them as a marketing tool, have a quick solution in mind: build air bags that deploy more slowly, or "less aggressively," as they put it. The bags would still be fast enough to protect passengers wearing seat belts, the companies say, though they would provide less-than-optimal protection to unbelted passengers.

The traffic safety agency could rule on this plan within days, but it has some issues to resolve. First, who should the rules be written to protect: people who don't wear seat belts, who represented 85 percent of the population when air bags were first being developed and tested, or people who do wear them, representing two-thirds of the population now?

And there's an even trickier question: if the air bag is not slowed down, should the agency still require cars to carry a device that is



Pepper Yates for The New York Times

In the crash dummy lab, the question is who will survive an inflating air bag?

certain to kill some people on the way to saving a larger number?

It is tempting to compare an occasionally lethal but generally life-saving air bag to a vaccine that will trigger a handful of fatal reactions. But vaccines have a benefit ratio hundreds or thousands of times higher than air bags, which according to Government statistics have saved 1,500 people, or about 30 times more people than they kill.

Officials at the safety agency declined to comment on the decision pending before it, but others weighed in.

Marion C. Blakey, a former head of the Traffic Safety agency and now a consultant, said build-

ing a standard around people who do not wear belts, as the existing rule now does, is "accommodating people who are taking an illegal action in 49 out of 50 states." (Seat belts aren't required in New Hampshire.) She added that the victims of the passenger air bags now in use — usually children, often infants — cannot protect themselves.

As with many problems of modern life, there is a high-tech solution, if not now, soon: "smart" air bags that will scan the occupant of the passenger seat and then decide how to deploy. But those are still in development and probably years away, and in the interim the Government has some tough decisions ahead.

NHTSA DAILY CLIPS: Wednesday, November 13, 1996

Sides near pact on safer air bags

BY JANET L. RIX
Free Press Washington Staff

WASHINGTON — Auto companies, federal safety officials and consumer advocates are involved in intense negotiations this week toward a deal to make air bags less deadly.

For the first time in 20 years, these groups — which have fought repeatedly over air bags and other auto safety issues — are quietly working together on a proposal to take some of the punch out of air bags. An announcement could come this week.

Details of a deal haven't been worked out, and significant hurdles remain over methods for depowering air bags, or making them less aggressive. But major strides have already been made, and big differences have been set aside, according to people involved in the talks.

Behind the unlikely coalition, fear that rising concern over the 30 children and 19 adults killed by air bags could cause the public to reject a technology that has saved 1,136 lives and is expected to save thousands

more lives each year in the future.

Making perhaps the biggest attitude change is consumer advocate Joan Claybrook, an ardent defender of air bags and a former administrator of the National Highway Traffic Safety Administration.

Claybrook, a critic of carmakers and the safety administration, has long been seen as a major opponent of change in federal air bag regulations. But she told the Free Press on Monday.

Please see AIR BAGS, Page 8A

NHTSA DAILY CLIPS: Wednesday, November 13, 1996

DETROIT FREE PRESS/TUESDAY, NOVEMBER 12, 1996

Air bag proposal imminent

AIR BAGS, from Page 1A

that "some depowering of air bags temporarily might be something we could all live with, if there are clear limits."

As head of the safety administration under President Jimmy Carter, Claybrook fought auto makers who opposed air bags and automakers contend, ignored their warnings and research that showed air bags could kill children and some adults.

Claybrook concedes that an auto industry proposal to swap a key federal safety test for a less-costly sled test "may be the only option." Currently, air bags must protect an unbelted 160-pound male dummy in a 30-m.p.h. crash into a barrier, so the bags deploy at 200 m.p.h.

Automakers also have softened their stance and changed their plans in the face of a possible deal.

As recently as Friday, after meeting with safety administration officials, the auto companies were gearing up for a last-minute blitz to try to convince the safety agency and the media that their proposed crash test would not result in more deaths among unbelted adults, as the safety administration fears.

But the automakers have canceled a news conference scheduled for Wednesday. They may meet with safety officials today or Wednesday. An air bag meeting on Thursday in Toronto between U.S. and international automakers and a handful of safety administration officials that has been scheduled for months will go on as planned. But that meeting is not expected to alter negotiations.



An air bag's punch — it deploys at 200 m.p.h. — is a concern.

Two men appear to have taken the lead in brokering a deal between the three factions.

Working outside the safety administration, and probably key to any deal, is Brian O'Neill, head of the Insurance Institute for Highway Safety, a research safety group funded by insurance companies.

He hopes to get the parties to agree to terms and hold a news conference this week at which automakers, safety administration officials and safety advocates would announce plans for taking the punch out of air bags.

"If we can all come to an agreement on terms, we can move forward quickly rather than finger-pointing and looking back at mistakes," O'Neill said. "For the public to continue to view air

bags as good, the technology must be improved, and on this much we now all agree."

Working inside the safety agency, is the agency's No. 2 administrator, Phil Recht, who some speculate could succeed Ricardo Martinez as administrator if President Bill Clinton decides to replace Martinez.

Martinez said last week that he expects to remain in his job, and that he hoped to announce, as early as this week, his plan for making air bags safer.

The safety administration has proposed putting stronger warning labels in new cars, and a less dramatic depowering of air bags than automakers want. The agency also wants to make air bag cut-off switches in new cars optional.

However, there is widespread opposition to cut-off switches from automakers, safety advocates, and even some within the federal safety agency.

"Everyone thinks it's a dumb idea," Claybrook said. "It sends the wrong message." Children should not sit in the front seat of a car with or without air bags, she said.

On Monday, safety administration officials wouldn't comment on the negotiations or a possible deal.

"We have a proposal on the table, and that proposal stands," said NHTSA spokesman Barry McCahill. "But a lot of discussions are going on between a lot of people."

If a deal can be worked out, "it would be historic," said Ralph Hoar, a safety research consultant who works with plaintiff attorneys. "These groups have always been at odds on air bags."

Public Citizen

NEWS RELEASE

For Immediate Release:
11 a.m. EDT November 20, 1996

Contact: Brian Dooley
202 588 7703
Pamela Matthew
202 588 7742

LEADING SAFETY EXPERTS PETITION NHTSA ON DUAL-INFLATION AIR BAGS

Public Citizen and the Center for Auto Safety today announced they will file a petition with the National Highway Traffic Safety Administration (NHTSA) to require dual-inflation air bags as soon as possible, beginning no later than Fall 1998.

The safety experts were joined by David Biss, a former NHTSA engineer who has also worked for the auto industry, who explained the feasibility of dual-inflation air bags. Less complex than so-called 'smart bags', they inflate more slowly in low-speed crashes and faster in high-speed accidents.

"Suppliers have told NHTSA they can deliver air bags within the next three years which can discriminate the severity of a crash and inflate appropriately. These can be produced for as little as \$10 to \$20 per car. Suppliers are just waiting for manufacturers to place their orders", said Public Citizen President Joan Claybrook.

The auto safety advocates today revealed documents dating back to the 1970s which showed that the current out of position child injury problem with air bags were foreseen by auto industry tests. "The current problems with air bags were recognized, and solutions offered, two decades ago, but the designs selected by most manufacturers for current cars do not provide the requisite protection," said Clarence Ditlow, Executive Director of the Center for Auto Safety.

The documents revealed today show that General Motors was familiar with the concept of dual inflation as long ago as 1974, and in fact sold 10,000 cars to the public with air bags based on these principles.

(more)

The evidence produced by the Center for Auto Safety and Public Citizen further discloses that research undertaken by Nissan in 1975 also cited this principle, as did tests undertaken by General Motors itself as far back as 1972, and that in 1979, a General Motors spokesman assured the public that the company had 'worked out the child-restraint problems' with air bags.

The papers produced by the Center for Auto Safety and Public Citizen reveal a series of warnings on the potentially damaging side-effects of air bags on children which have not been given adequate consideration by auto manufacturers in their current air bag designs. These include proposals made in the late 1970s by a NHTSA contractor hired to solve the out of position child issue that air bags could be chambered and open sequentially.

Auto companies like Mercedes Benz have for a number of years been using one concept of dual-inflation air bags to distinguish the speed at which air bags inflate for belted and unbelted front seat occupants with impressive results, but other manufacturers have not followed suit.

"The auto industry is guilty of not developing this technology of two decades ago for the cars of the 1990s. It chose to produce cheaper air bags instead of better ones. For many children, it is now too late. For others it is not, and we must act now to ensure that future cars are equipped with child-friendly air bags," said Claybrook.

The dual-inflation bags offer the best solution in the near future, say the safety advocates, as they neither surrender protection for adults in high-speed crashes, nor sacrifice low-speed crash protection for children. Other proposals, such as the auto industry recommendation for an across-the-board depowerment of air bags, are less satisfactory, as they involve some trade-off in safety protection and will not add significant protection for unrestrained children. This action is only appropriate on a very temporary basis to correct design deficiencies in current vehicles.

This is a very exciting period for creative developments in air bags. Current designs have already saved over 1100 lives.

The safety advocates completely support the work for air bag warnings of the Parents Coalition led by Robert Sanders of Baltimore, whose seven-year-old daughter was killed in an air bag crash. They join the Coalition in urging NHTSA to require prominent warnings in cars and public education for parents to put children in the back seat with proper restraints as the best form of immediate protection. Auto dealers, child-seat manufacturers and sellers, hospitals, pediatricians, nurses, insurance companies and safety advocates must all join the crusade to get children in the back seat, where they belong, said the safety experts.

CENTER FOR AUTO SAFETY

2001 S STREET, NW SUITE 410 WASHINGTON, DC 20009-1160 202-328-7700

November 20, 1996

Dr. Ricardo Martinez, Administrator
National Highway Traffic Safety Administration
400 Seventh Street SW
Washington DC 20590

PETITION FOR RULEMAKING

Background

The automotive industry has long been aware of the potential dangers to children from airbag deployment.¹ Spurred by these early warnings, auto companies and suppliers worked on a variety of ways to protect out-of-position occupants in the 1970s. The Insurance Institute for Highway Safety summarized a number of them as follows:

Recent technological developments suggest that even the few children traveling in these abnormal positions can be protected by air bags. For example, Nissan Co. Ltd. has developed and tested with satisfactory results a bi-level air bag system for protection of the standing child in which the inflator for the air bag on the passenger side will not operate more than halfway if the passenger seat is unoccupied. In this system "... the first-level deployment of the air bag is made initially on the right and left sides, and then toward the rear of the vehicle, as if it were 'wrapping up' the child." Olin Corporation has shown that a "... combination augmented-aspirator system can meet the 50 mph dynamic and static child non-injury criteria as demonstrated in our current NHTSA program. The upper bag is inflated by the aspirator inflator and stalls when contact is made with the child. The lower augmented filled bag is small and by virtue [of] the bag size does not have a deployment forces [sic] severe enough to overload the child". General Motors Corporation reported in 1972 "favorable results" in air bag tests with "child" dummies in standing position. Features of their system contributing to these results include "variable inflation, which lessens the initial deployment surge to ease the action of the cushions on the occupants," and deployment of the cushion from the lower instrument panel "... which produces a less direct impact on the head and upper torso of a standing child. [Citations omitted.]²

¹In 1974, work on airbags revealed the dangers to children in rear-facing seats and in out of position situations. For example, a Volvo study indicated that out of position children between the ages of 3 and 6 "could be injured by airbag inflation even at the triggering level of vehicle acceleration." B. Aldman, A. Andersson & O. Saxmark, Possible Effects of Airbag Inflation on a Standing Child, at 28 (1974).

²A.F. Williams, "Air Bags And Out-of-Position Children--A Survey," 8 *Accid. Anal. & Prev.* 143 (1976).

NHTSA Demonstrates Safer Airbag Technology in the 1970's

The first commercially sold airbag cars in the mid-1970's were GM models that used dual stage inflators for the passenger side that could tailor the deployment rates of airbags based on crash conditions. If the crash were moderate, the sensor would trigger a low level inflation. If the crash were severe, the sensor would trigger a higher level inflation. In 1980 NHTSA reported:

The GM cars with air bags that were sold to the public have traveled about 800 million miles, and have been involved in nearly 200 crashes in which air bags deployed. . . . No children are known to have suffered more serious injuries because of the air bags, and in several cases it is believed that the air bags reduced the children's injuries.³

To verify the industry research and technology, in the late 1970s and early 1980s, NHTSA conducted a significant amount of research that demonstrated out-of-position child occupants could be protected. For example, one contract program costing nearly a million dollars conducted over 100 sled and barrier crashes of Chevettes, Citations and Omni's to develop airbag systems that protected 3-year old children who were standing in front of the dash. The final report on this three year research effort concluded:

The passenger systems demonstrated life saving protection for the full range of occupant sizes from small children to large adults. . . . With respect to the FMVSS 208 injury criteria, the system produced remarkably low injury levels on the 3-year-old child dummy. This dummy not only has less than one sixth the body mass of a large adult, but also was standing in these tests, only a few inches from the deploying bag.

[S]ignificant emphasis was placed on developing the passenger system to mitigate injuries to children located forward of the normal seating position. High performance air bags tailored primarily to the protection of requirements of a normally seated adult (at the expense of the out-of-position children) would not be acceptable.

The most important of the new findings, which pertained mainly to the passenger systems, were . . .

- Although it has been demonstrated that a single level inflation can satisfy the protection requirements of the full range of occupant sizes and positions at crash speeds up to the mandated standards, analysis and development have found a multi-level system to be better. The studies showed that the use of a dual level system logic similar to that used in the GM production air bags of the mid-1970s could significantly reduce injuries to forward positioned children, yet still maintain high performance levels for adults in severe crashes.⁴

³Automobile Occupant Crash Protection, Progress Report No. 3, p.69 (July 1980).

⁴ Attachment A, Minicars, "Small Car Front Seat Passenger Inflatable Restraint System", (1981).

When NHTSA issued the final rule on FMVSS 208 requiring passive restraints to be phased in beginning in 1981, the agency relied on its research and the representations of the auto makers that they had resolved the problem of the out-of-position occupant.

The risk of injury to a small child located near the point of deployment of an air bag can be substantially reduced by careful design, tuning and developmental testing of air bag systems before they are produced. Both GM and Volvo have indicated that through improved design of their systems, they believe that they have eliminated any unreasonable risks to small children with the air bag systems they intend to produce in the 1980's.⁵

Industry Uses Cheaper Rather Than Safer Airbags in the 1980's

Rather than requiring out-of-position occupant testing as part of FMVSS 208, NHTSA allowed the auto makers to select their own airbag systems. Tragically, most auto companies turned their backs on the known, safer technologies such as dual stage inflation with shaped airbags. Instead, most companies selected the cheaper, single stage airbag systems with low deployment trigger speeds that resulted in avoidable deaths and injuries to out-of-position occupants. It is these low speed crashes coupled with single stage airbag deployment that are killing children.⁶

The cases of Alison Sanders, Amanda Welwood, and Jordan West, all of whom died in separate incidents from injuries caused by an airbag that deployed in a low speed crash, will be the norm if NHTSA does not move quickly to change airbag deployment threshold requirements.

Robert Sanders placed his 7-year-old daughter in the front of the family's 1995 Dodge Caravan because of his concerns about the rear latch. His Chrysler dealer warned him about problems the latches were having. Sanders was faced with a choice -- lose his daughter because of the rear latch failing or because of the airbag deploying. After Alison leaned forward to change the radio station, the airbag deployed in a low speed impact estimated at less than 9-mph, killing her.

Curt Welwood, while driving his daughter home from an "Indian Princess" meeting, slammed on the brakes when the car in front of him stopped suddenly. His car made contact with the vehicle in front of him, the airbag deployed and Amanda, who "slipped off her shoulder belt to pick (up) her headdress," died when the airbag severed her spine. Her father's car was travelling at around 10 mph when it hit the other vehicle.

⁵Id. at 77.

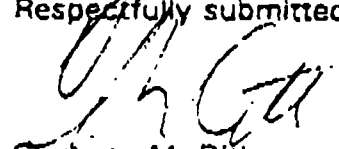
⁶Attachment B is a list of children killed by airbags.

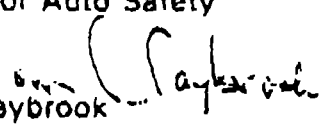
Jordan West's grandmother, while giving her grandson a ride, "bumped [into] a concrete planter in a parking lot at about 10 mph." Predictably, the airbag deployed, killing 5-year-old Jordan. The cause of death: a skull fracture caused by contact with the airbag and subsequent contact with the interior roof of his grandmother's car.

Amend FMVSS to Require Dual Level/Multistage Inflators

It is tragic that most auto makers failed to incorporate such simple, known advances in their airbag systems over the past 20 years. Inflator deployment and trigger speeds can be adjusted now without waiting until the 21st Century for smart airbags that use infrared or sonic sensors to determine whether there is an out-of-position occupant. Accordingly, Public Citizen and the Center for Auto Safety petition NHTSA to amend FMVSS 208 to require dual stage inflation airbags beginning with the 1999 model year. If a vehicle does not have dual stage inflation to provide moderate inflation in low speed crashes, we request NHTSA to establish a 10-mph barrier equivalent trigger speed below which an air bag shall not deploy. We request that the trigger speed be set beginning with the 1998 model year for passenger cars and 1999 for light trucks when passengerside airbags become mandatory for both vehicle categories respectively.

Respectfully submitted,


Clarence M. Ditlow
Center for Auto Safety


Joan Claybrook
Public Citizen



U.S. Department of
Transportation

News:

Office of the Assistant Secretary for Public Affairs
Washington, D.C. 20590

FOR IMMEDIATE RELEASE

Friday, November 22, 1996

NHTSA 81-96

Contact: Barry McCahill

Tel. No.: (202) 366-9550

**NHTSA ANNOUNCES COMPREHENSIVE PLAN
TO IMPROVE AIR BAG TECHNOLOGY
AND REDUCE AIR BAG DANGERS**

The National Highway Traffic Safety Administration (NHTSA) today announced a comprehensive approach to preserve the important safety benefit of air bags while minimizing their danger to children and at-risk adults.

The agency announced its approach centers on accelerating the development of "smart air bag" technology for future vehicles with the intent of having the systems available in fall 1998 for 1999 models. More immediate measures include adoption of enhanced warning labels, depowering of air bags and continuing to allow the use of cut-off switches in vehicles without a rear seat to protect children.

NHTSA Administrator Ricardo Martinez, M.D., said, "The safety of the motoring public is our highest priority. Air bags are working well, but need to be improved to enhance the safety of children and small stature adults. These comprehensive measures will maintain the safety benefits of air bags, decrease their potential hazard to children and at-risk adults, and provide consumers with important safety information."

Administrator Martinez added that while these steps will enhance the safety of vehicle occupants in the interim, the effort can only be fully completed with the development and use of "smart" air bag technology.

- **"Smart" air bags.** The agency will propose setting a phase-in schedule for the next generation of air bags to begin in fall 1998 for 1999 models. With the growth of research and competition in air bag technology, NHTSA believes that "smart bags" will provide significantly greater safety in frontal crash protection, and wants to encourage both their rapid development and design flexibility. Smart bags will effectively "tailor" the deployment to the size of the occupant and the crash circumstances.

The other intermediate safety measures are:

- **Improved warning labels.** The agency announced the adoption of a final rule requiring new, highly visible warning labels for all new cars and light trucks beginning in 90 days and in effect until "smart" air bags are available. The labels will be affixed to both sides of the sun visors making them visible when the visors are either up or down. In addition, new vehicles will be required to have a prominent warning label affixed to the center of the dashboard as a strong, clearly visible reminder at the time of delivery. This label may only be removed by the vehicle owner.

A final rule also announced today requires a new, highly visible air bag danger warning label on child safety seats. The label will be affixed where the child's head rests so that it can be seen readily by parents or others who have child passengers in their vehicle.

- **Depowering for safety.** NHTSA will propose that air bags be depowered between 20-35 percent to reduce the deployment force for added safety. Once adopted, depowered air bags would be permitted until smart air bag technology is phased into new cars. NHTSA believes that this level of depowering will reduce the incidence of injury and improve the performance of air bags for belted occupants, including children, individuals with acute medical conditions and small stature adults, while still providing significant protection for unbelted occupants. NHTSA will seek comments on its proposed changes to the federal standards with the goal of modifying all new vehicles within one year.
- **Cutoff Switches for Vehicles with No Rear Seat.** NHTSA will issue a final rule extending its existing policy of permitting manufacturers to install manual cutoff switches in vehicles without a back seat, or with a back seat that is too small to install a child safety seat. A cutoff switch enables the driver of a pickup truck, for example, to disable the air bag when a child is in the passenger seat, and turn it back on for an adult passenger.
- **Option for Owners of Air Bag-Equipped Vehicles.** The agency will propose allowing dealers to deactivate the air bags of any owner who requests it. Currently, NHTSA permits deactivation on a case-by-case basis. The new policy would permit families who need to have children in the front seat for medical monitoring purposes, car pools with front-seated children, short-stature individuals, and others who have reasonable concerns about a potential danger to turn the air bag off. Automobile dealers will be asked to help their customers make informed decisions by providing them with NHTSA guidance on the benefits and dangers of deactivating the air bag system, and would be required to install a label indicating that the air bag has been disabled.

- **Increased public awareness.** NHTSA will increase its own air bag public awareness activities and coordinate them with information efforts underway by the national Air Bag Safety Campaign, the coalition that it organized last year involving car companies, insurers and safety groups. It also plans a national distribution of copies of a warning label, using state motor vehicle offices, fast food chains, convenience stores and other outlets, and is using its popular public service characters, "Vince and Larry," to help convey information about air bag dangers as part of their seat belt message.
- **Expanded Research Program.** NHTSA is also announcing an expanded research program to improve the testing of air bags and crash protection for children and women. This program will lead to better dummy and vehicle designs and improved safety standards. Last week, NHTSA received the support of the international research community, including government and industry representatives, to place a priority on this needed research.

"The most important and immediate part of our strategy is that children age 12 and under should always ride in the back seat, buckled up. Regulatory actions will make tomorrow's air bags safer for children, but too many are at risk in the interim if parents do not insist their children ride in the back seat," Dr. Martinez said.

"Overall, air bags are working well and are responsible for an 11 percent reduction in driver fatalities in passenger cars, including a 30 percent reduction in fatalities in head-on crashes. They are credited with saving more than 1,500 lives since 1986 when they began appearing in the U.S. fleet," Dr. Martinez said.

"Regarding our proposal to allow air bags to be disconnected, we expect that very few will need to take this extreme action, and those who do will be made aware of the risks involved," Dr. Martinez said. "You can greatly reduce the risk of air bag injury by being buckled and back from the air bag."

NHTSA has aggressively issued consumer advisories and worked with the news media, the highway safety community, auto and insurance industries, and the medical community to increase public awareness of both the problem and the immediate solution - placing children in the back seat, buckled up.

In August 1996, the agency proposed changes to the federal air bag requirement to encourage the introduction of "smart" air bag systems and to provide relief to owners of existing vehicles equipped with air bags.

The Congress in 1991 directed NHTSA to amend the standard to require air bags for all new cars manufactured after September 1997 and for light trucks the following year. Responding to market demand, manufacturers exceeded that timetable and today virtually all new cars and trucks offer dual air bags.

Consumers who have questions or concerns about air bags should contact the agency's toll-free Auto Safety Hotline at (800) 424-9393. For up-to-date information on air bag issues, contact NHTSA's World Wide Web site at: <http://www.nhtsa.dot.gov>.

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*An electronic version of this document can be obtained via the World Wide Web at:
<http://www.dot.gov/affairs/index.htm>*

KEY PROVISIONS OF SAFETY BELT USE LAWS

September 1996

State	Effective Date	Enforcement	Fine	Seats	Vehicle and Coverage by Law	* Usage Rate %
Alabama	July 18, 1992	Secondary	\$25	Front	Passenger car from model year 1965.	52
Alaska	September 12, 1990	Secondary	\$15	All	Motor vehicle. Over age 16.	69
American Samoa	January 1, 1989	Primary	\$25	All	Passenger car, truck, and van.	81
Arizona	January 1, 1991	Secondary	\$10	Front	Passenger car and van from model year 1972.	60
Arkansas	July 15, 1991	Secondary	\$30	Front	Passenger car, truck, and van.	31
California	January 1, 1986	Primary	\$20	All	Passenger car, van, and small truck.	85
Colorado	July 1, 1987	Secondary	\$15	Front	Passenger car, van, taxi, ambulance, RV and small truck.	56
Connecticut	January 1, 1986	Primary	\$37	Front	Passenger car, van, and truck.	72
Delaware	January 1, 1992	Secondary	\$20	Front	Passenger car.	60
Dist. of Columbia	December 12, 1985	Secondary	\$15	Front	Vehicle seating 8 or less people.	63
Florida	July 1, 1986	Secondary	\$20	Front	Motor vehicle and pickup truck.	59
Georgia	September 1, 1988	Primary	\$15	Front	Passenger vehicle for under 10 people and pickup for under age 18	53
Guam	November 20, 1986	Primary	\$70	Front	Passenger car, truck, and van.	94
Hawaii	December 16, 1985	Primary	\$20	Front	Vehicle registered in state.	80
Idaho	July 1, 1986	Secondary	\$5	Front	Motor vehicle under 8 thousand pounds.	59
Illinois	July 1, 1985	Secondary	\$25	Front	Motor vehicle to carry under 10 people and RV.	69
Indiana	July 1, 1987	Secondary	\$25	Front	Passenger car, bus, and school bus.	64
Iowa	July 1, 1986	Primary	\$10	Front	Passenger car, van, and truck 10 thousand pounds or less.	76
Kansas	July 1, 1986	Secondary	\$10	Front	Passenger car and van.	54
Kentucky	July 13, 1994	Secondary	\$25	All	Motor vehicles from model year 1965.	52
Louisiana	July 1, 1986	Primary	\$25	Front	Passenger car, van, and truck under 6 thousand pounds.	59
Maine	December 27, 1995	Secondary	\$25	All	Passenger vehicles.	50
Mariana Islands	April 20, 1990	Primary	\$25	All	Passenger car and truck.	80
Maryland	July 1, 1986	Secondary	\$25	Front	Passenger/multi-purpose vehicle, truck, tractor, and bus.	70
Massachusetts	February 1, 1994	Secondary	\$25	All	Passenger car, van, and truck.	53
Michigan	July 1, 1985	Secondary	\$25	Front	Motor vehicle.	67
Minnesota	August 1, 1986	Secondary	\$25	Front	Passenger car, pickup truck, van, and RV.	65
Mississippi	March 20, 1990	Secondary	\$25	Front	Passenger car and van.	46
Missouri	September 28, 1985	Secondary	\$10	Front	Passenger car to carry under 10 people.	71
Montana	October 1, 1987	Secondary	\$20	All	Motor vehicle.	70
Nebraska	January 1, 1993	Secondary	\$25	Front	Motor vehicle.	64
Nevada	July 1, 1987	Secondary	\$25	All	Passenger car under 6 thousand pounds.	71
New Jersey	March 1, 1985	Secondary	\$20	Front	Passenger car.	61
New Mexico	January 1, 1986	Primary	\$25	Front	Motor vehicle under 10 thousand pounds.	86
New York	December 1, 1984	Primary	\$50	Front	Passenger car.	72
North Carolina	October 1, 1985	Primary	\$25	Front	Passenger motor vehicle to carry under 10 people.	81
North Dakota	July 14, 1994	Secondary	\$20	Front	Motor vehicle.	42
Ohio	May 6, 1986	Secondary	\$25	Front	Passenger/commercial car, van, tractor, and truck.	63
Oklahoma	February 1, 1987	Secondary	\$10	Front	Passenger car, van, and pickup truck.	46
Oregon	December 7, 1990	Primary	\$95	All	Motor vehicle.	80
Pennsylvania	November 23, 1987	Secondary	\$10	Front	Passenger car, truck, and motor home.	71
Puerto Rico	January 19, 1975	Primary	\$10	Front	Passenger car. Over age 4.	62
Rhode Island	June 18, 1991	Secondary	No	All	Passenger car. Over age 12.	58
South Carolina	July 1, 1989	Secondary	\$10	Front	Passenger car, truck, van, RV, and taxi.	64
South Dakota	January 1, 1995	Secondary	\$20	Front	Passenger car, truck, van, RV, and taxi.	40
Tennessee	April 21, 1986	Secondary	\$25	Front	Vehicle under 8.5 thousand pounds.	64
Texas	September 1, 1985	Primary	\$25	Front	Passenger car, van, and certain trucks.	72
Utah	April 28, 1986	Secondary	\$10	Front	Motor vehicle.	56
Vermont	January 1, 1994	Secondary	\$10	All	Passenger car.	67
Virgin Islands	October 1, 1991	Primary	\$50	Front	Passenger car.	92
Virginia	January 1, 1988	Secondary	\$25	Front	Motor vehicle.	70
Washington	June 11, 1986	Secondary	\$25	All	Passenger/multi-purpose vehicle, bus, and truck.	83
West Virginia	September 1, 1993	Secondary	\$25	Front	Passenger car. Age 18 and under in rear seat.	58
Wisconsin	December 1, 1987	Secondary	\$10	All	Motor vehicle.	64
Wyoming	June 8, 1989	Secondary	No	Front	Passenger car, van, and pickup truck.	NA

Total Use Laws: 49 States + D.C., Puerto Rico, and the Territories.

*Reported December 1995

U.S. Dept. of Trans., National Highway Traffic Safety Admin., Traffic Safety Programs Office (202) 366-2672, Washington D.C. 20590

CHILD PASSENGER PROTECTION LAWS

September 1996

State	Effective Date	Restraint Age	Safety Seat Age	May Substitute Safety Belt	Penalty*
Alabama	July 1982	Under 6	Under 6	Either 4 or 5 years of age	\$10
Alaska	June 1985	Under 16	Under 4	4 thru 15 years of age	\$50, 2 points
Arizona	August 1983	Under 16	Thru 4 ²	No	\$50
Arkansas	August 1983	Under 14	Under 4 ²	Between 4 & 14 years of age	\$30
California	January 1983	Under 4 ²	Under 4 ²	No	\$100
Colorado	January 1984	Under 15 ²	Under 4 ²	No	\$25
Connecticut	May 1982	Under 16	Under 4	Between 1 & 4 years of age in rear seat	\$60
Delaware	June 1982	Under 16	Under 4	No	\$25
Dist. of Columbia	July 1983	Up to 16	Under 3	Between 3 & 6 years of age	\$55, 2 points
Florida	July 1983	Under 16	Under 4 ²	Over 4 up to age 16	\$150, 3 points
Georgia	July 1984	Under 16	Thru 4	3 or 4 years of age years of age	\$25-\$100
Hawaii	July 1983	Under 4	Under 3	Between 3 & 4 years of age	\$100 maximum
I d	January 1985	Under 4 ²	Under 4 ²	No	\$100 maximum
Illinois	July 1983	Under 6	Under 4	Between 4 & 6 years of age	\$25-\$50
Indiana	January 1984	Under 5	Under 3	Between 3 & 5 years of age	\$50-\$500
Iowa	January 1985	Under 6	Under 3	Between 3 & 6 years of age	\$10
Kar	January 1982	Under 14	Under 4	Between 4 & 13 all seat positions	\$20
Kentucky	July 1982	40" & Under	40" & Under	No	\$50
Louisiana	September 1984	Under 5	Under 5	Between 3 & 5 years of age in rear seat	\$25-\$50
Maine	September 1983	Under 19	Thru 4	Between 1 & 4 if not in parent's vehicle	\$25-\$50
Maryland	January 1984	Under 10	Under 4 ²	Between 4 & 10 years of age	\$25-\$50
Massachusetts	January 1982	Thru 12	Under 5	Under 5 years of age	\$25
Michigan	April 1982	Thru 15	Thru 4	1 thru 4 years of age in rear seat	\$10
Minnesota	August 1983	Under 11	Under 4	4 thru 10 years of age in rear seat	\$50
Mississippi	July 1983	Under 4	Under 4	No	\$25
Missouri	January 1984	Under 4	Under 4	No	\$25
Montana ¹	January 1984	Under 4 ²	Under 2	Between 2 & 4 years of age	\$10-\$25
Nebraska	August 1983	Under 5 ²	Under 4 ²	Between 4 & 5 years of age	\$25
Nevada	July 1983	Under 5	Under 5	Under 5 years of age in rear seat	\$35-\$100
New Hampshire	July 1983	Under 12	Under 5	5 thru 12 all seating positions	\$500 maximum
New Jersey	April 1983	Under 5	Under 5	Between 1½ to 5 years of age in rear seat	\$10-\$25
New Mexico	June 1983	Under 11	Under 5	Between 1 & 5 years of age in rear seat	\$25
New York	April 1982	Under 10	Under 4	Over 4 years of age up to age 10	\$100 maximum
North Carolina	July 1982	Under 12	Under 4	Between 4 & 12 years of age	\$25
North Dakota	January 1984	Thru 10	Under 3	3 thru 10 years of age	\$20
Ohio	March 1983	Under 4 ²	Under 4 ²	Over 4 years of age, and/or over 40 pounds.	\$100 maximum
Oklahoma	November 1983	Under 4 ²	Under 5	Under 4 in rear, 4-5 in front or rear	\$25 maximum
Oregon	January 1984	Under 16	Under 4 ²	Over 4 years of age, over 40 pounds.	\$95 maximum
Pennsylvania	January 1984	Under 4	Under 4	Over 4 years of age	\$25
P o Rico	January 1989	Under 4	Under 4	Over 40 pounds	\$10
Rhode Island	July 1980	Thru 12	Thru 3	No	\$150 maximum
South Carolina	July 1983	Under 6	Under 4	Between 1 & 6 years of age in rear seat	\$25
South Dakota	July 1984	Under 5	Under 2	Between 2 & 5 years of age	\$20
Tennessee	January 1978	Under 12	Under 4	No	\$25-\$50
Texas	October 1984	Under 4	Under 2	Between 2 & 4 years of age	\$25-\$50
Utah	July 1984	Under 8	Under 2	Between 2 & 8 years of age	\$20
Vermont	July 1984	Thru 12	Thru 5	No	\$25
Virginia	January 1983	Over 4	Under 4	Over 4 years of age in front seat	\$50, 3 points
Washington	January 1984	Under 10	Under 3	Between 3 & 10 years of age	\$67
West Virginia	July 1981	Under 9	Under 3	Between 3 & 5 years of age	\$10-\$20
Wisconsin	November 1982	Under 8	Under 4	Between 5 & 8 years of age	\$10-\$200
Wyoming	April 1985	Under 3 ²	Under 3 ²	No	\$25

*Law applies only to parents and legal guardian ²Or less than 40 pounds.

*Most States waive fines upon proof of safety seat acquisition.

U.S. Department of Transportation, Washington, DC 20590

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, Traffic Safety Programs (202) 366-2672

DEC 18 1996

Dec. 15, 1996

"How could a government-mandated safety device, designed to save lives, kill a child wearing a seat belt and being driven at 5-10 mph?"

The child referenced in this quotation was killed in October 1995. One baby or small child has been killed for every 71 lives saved by airbags. Sixteen small stature women have also been killed by driver-side airbags in low-speed accidents they otherwise would have survived. The death tolls and incapacitating injuries continue to rise even though the public has been told Federal regulators are "working on it".

Changes must be implemented IMMEDIATELY to prevent others from suffering the pain of losing a loved one in such a senseless accident:

1. Ads (including all types of media) must be generated alerting the public of the danger of placing infants and small children in the front seat of vehicles equipped with airbags.
2. Warning labels must be sent to every person who has purchased a vehicle with passenger airbags and all new vehicles must have warning labels affixed to the passenger airbag.
3. Small stature drivers and the elderly need to be warned of the danger of sitting close to the driver's side airbag.
4. Dealers must be allowed to deactivate airbags on vehicles upon the owner's request.
5. After further testing, deployment of airbags must be reduced by the highest possible percentage found still to be effective for the majority of drivers.
6. The standard set for airbags needs to include small stature drivers.
7. Focus on improving the current airbags before implementing side impact, rear seat, etc. airbags.

Please take time to voice your support by contacting one of the following:

National Highway Traffic Safety Administration
Administrator
400 7th St. Southwest
Washington, DC 20590
Doc 152
1-800-424-9393

Senator John McCain *Chairman of Senate Commerce Committee*
111 Russell Senate Office Bldg
Washington, DC 20510-0303
(202) 224-2541

Senator Dirk Kempthorn *Republican from Idaho*
304 N 8th
Boise, ID 83702
(208) 334-1776

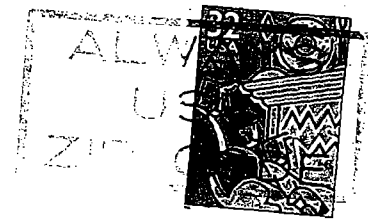
Please help save a life,

Please!

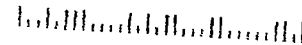
Stop Airbag Deaths

Susan Greer (208) 853-4201
Andrie Cline (208) 853-2098

Susan Greer
6918 Cimelight
Boise, Idaho 83703



Carol H. Rasco
Assistant to the President for Domestic Policy
The White House
1600 Pennsylvania Avenue
Washington, DC 20500



12/17/96

AIRBAGS

On November, 22, 1996 NHTSA announced a comprehensive approach to minimize the growing number of serious injuries and fatalities caused by airbags. It announced that its program included five rulemakings, as well as continuing public information and education activities, many of which were being conducted through an industry-safety coalition previously organized by NHTSA. The comprehensive approach aims to reach the fastest possible introduction of "smart" airbag technology, while in the interim taking several measures to reduce the current adverse impacts.

The rulemakings announced by NHTSA are in various stages:

- A final rule established new warning label requirements for vehicles and child safety seats. The new labels must be placed on vehicles within 90 days, on child seats within 180 days (COMPLETED).
- An NPRM that would require manufacturers to begin installing smart airbags in vehicles as early as model year 1999. (NOT YET DRAFTED BY NHTSA).
- February
- An NPRM, to be considered on an expedited 30-day comment basis, to permit manufacturers to install depowered airbags in their vehicle. Depowered airbags would be allowed until smart systems come on line. However, this may not be achievable by model year 1998 (NOT YET REVIEWED BY OMB).
manufacturers can do this in 6 months. - Ready to go - Early January.
- A final rule extending until 2000 the permission already given to manufacturers to place airbag cutoff switches in vehicles without a rear seat, or with a rear seat too small to accommodate a child seat (NOT YET CLEARED BY OMB).
- An NPRM that would permit auto dealers and mechanics to disconnect existing airbags upon the written authorization of the vehicle owner. This also will be considered on an expedited 30-day basis (NOT YET REVIEWED BY OMB).
At OMB - - Close to OMB clearance. - Ready to go -

OPTIONS FOR PRESIDENTIAL INVOLVEMENT

1. Announce the issuance of the three proposed rulemakings. State that they are part of the comprehensive plan to preserve the benefits of airbags while eliminating the potential and unacceptable risks, and emphasize the need for all occupants to buckle, and all children to ride in the back. Possible disadvantages include automakers' and consumer activists criticism of depowering and tying the President to future fallout from changes in the proposed rules through the process. Also, if the depowering NPRM is issued instead of a interim final rule, it may not be effective for 1998 models.

2. A) Without announcing the issuance of the proposed rules, direct NHTSA and/or other related agencies to increase research and/or public information efforts. Additionally, deliver the important safety message of seats belts and children in back.

B) Announce the issuance of the three proposed rulemakings as in the first option, and take actions as in 2A.
3. Make no announcement of the proposed rulemakings, but deliver a message about the critical need to wear seatbelts in light of the 42,000 fatalities and \$150 billion cost of highway crashes annually. While seat belts double an occupants chance of surviving a crash, only about 67% of Americans wear them, and we must all seek 100% usage through primary seatbelt laws.

###

— Novemiser 22nd

Depression Kids fatality ↓, but greater # if adults die. —
If nothing happens —
— teenagers not wearing seat belts. —

ISTEA — Call for Congress —
belted/hospitalized — \$5000 less. —

• Makes a difference

• Saves lives. — Pay off now
↓ dilemma that we'll face until all cars have
smart air bags
— entire 0 in fleet.

• Even smart air bags won't

Newsworthy

1^o Seat Belt Laws — 1982 higher
compliance rate.
Announcements —

DC passed "signature

NHS debate — Thoroughly ^{helps} ~~seats~~, speed limits,

ABATE — omoss (motorcycle law)

—
— Minorities / civil liberties concerns —

— have changed framework of discussions
from "rights" to "health care"

— minorities — GAO — NAAG —
all have called for 1^o seat belt law:

Car companies, insurance, safety groups

Donna's Greatest Hits

By Al Kamen

Washington Post Staff Writer

Health and Human Services Secretary **Donna E. Shalala** passes an important milestone today. With today's entry in this column, the Mustang-driving, Macarena-dancing cabinet secretary establishes a new record in the category of "Most Mentions in a Column Read by Absolutely No-one Outside of the Beltway."

In her four years as HHS chieftain, Shalala's flacks have managed to get her into this column 683 times. If I have my way, this will be her last.

And so, before banishing her forever from this column, I offer up an historic first to a great woman of many historic firsts: The first column dedicated completely to a single person, or, simply, Donna's greatest hits:

Bow Wowing Out

■ Add **Bucky Shalala** to the list of Beltway personalities not sticking it out for a second Clinton term. The yellow-dog Democrat says she's packing up her bones and heading back to Madison to "spend more time with the family."

Sound familiar? The Loop has learned there's more to this departure. The much-chronicled canine is said to be tired of being trotted out for Dog Beauty Contests and Humane Society benefits -- not to mention being upstaged by her owner. Sources say Bucky would consider a return engagement in D.C., but only if **Socks Clinton** relinquishes the post of First Pet.

Donna and Kato, Part III

■ **Donna Shalala**, who honed her shoving skills at the Beijing Women's Conference, was at it again last week in Los Angeles. Shalala was spotted outside of the **G.J. Simpson** civil trial, elbowing her way through a phalanx of security guards and reporters in an attempt to grab another private moment with **Kato Kaelin**.

When asked what business a Cabinet officer could possibly have with the golden-locked house boy, Shalala smiled sweetly and said: "I'm still trying to get a date for **Victor**."

Shalala Snow Job

■ Confronted with the Great Blizzard of 1996, HHS Secretary **Donna Shalala** was overheard saying to her Himalayan hiking partner, **Alice Rivlin**: "For a couple of people who've trekked across a glacier, this is a piece of cake."

And so it was for Shalala, who strapped on her cross country skis to make the rounds of her Georgetown neighborhood.

She even fetched milk for a homebound baby and shoveled snow for an elderly woman next door.

Sound heroic? Not quite. What her spokesman conveniently omitted in recounting this tale is that Shalala missed a spot on her neighbor's sidewalk, causing the 90-year-old woman to trip and break her ribs.

And the milk? It had gone bad during a blizzard-related power outage, forcing the screaming infant into nearby Georgetown University Hospital's emergency room to have her stomach pumped.

Shalala is said to be shopping around for a personal injury lawyer to bolster legal ace **Harriet Rabb's** general counsel's office.

Shalala: A Real Champion

■ No column dedicated to **Donna Shalala** would be complete without generous mention of her athletic prowess, including how young Donna played softball for **George Steinbrenner** in Cleveland's Pigtail League.

In fact, Steinbrenner recently recalled: "Donna Shalala, besides being a lovable kid, was one of the toughest competitors I have ever seen, male or female, and that seems to have carried all the way through her distinguished life."

That it has. That it has. For just like Steinbrenner's New York Yankees and the 1994 Wisconsin Badger Rose Bowl winners, Donna Shalala has proven herself to be a real champion during the last four years, and I know she'll continue to do so during the next four.

That said, Donna, no matter how many more records you break or mountains you climb: NO MORE MENTIONS IN THIS COLUMN.

Nobel Laureate to Head Panel Pushing for AIDS Vaccine

By WARREN E. LEARY

BETHESDA, Md., Dec. 12 — Dr. David Baltimore, a Nobel laureate microbiologist at the Massachusetts Institute of Technology, will lead an effort to revitalize the nation's drive to develop an AIDS vaccine, the National Institutes of Health announced today.

Dr. William Paul, director of the Federal Office of AIDS Research at the institutes, said Dr. Baltimore would be the chairman of a committee to look for new ideas for such development, reinvigorating research that after more than a decade has failed to produce an effective immunization against the disease.

"David Baltimore will have a large role in creating a new agenda," Dr. Paul said in an interview. "We need some creativity, some new ideas, and he will give us this because of who he is and the fact that he wants to do it."

The appointment of Dr. Baltimore came in response to a major study of the nation's AIDS research effort. The study, by a panel of 114 leading scientists and others concerned about AIDS, concluded earlier this year that the Government's research program, whose annual cost is al-

most \$1.5 billion, lacked focus and needed an overhaul.

That panel, of which Dr. Baltimore was a member, said a vaccine research committee headed by a distinguished non-Government scientist should be created to provide direction and oversight. The group also said the National Institutes of Health should establish a new AIDS vaccine program that combined, in new and creative ways, related research conducted at several of the agency's branches.

Research scientists, advocates for AIDS patients and critics of current efforts to develop a vaccine against H.I.V., the virus that causes AIDS, praised Dr. Baltimore's appointment as chairman of the new vaccine research advisory committee, which has been given a mandate to look for new, even unorthodox, approaches.

Derek Hodel, public policy director of the Gay Men's Health Crisis, said the appointment was an important and timely step. "Dr. Baltimore has long advocated matching the boldest minds against H.I.V.," Mr. Hodel said.

Mark Harrington of the Treatment Action Group, in New York City, said: "Today's announcement is a

A crucial post on H.I.V. goes to David Baltimore.

big shot in the arm for AIDS research. Dr. Baltimore has the experience, the vision and the insight to reinvigorate the search for a safe and effective AIDS vaccine."

And Dr. Harold Varmus, director of the National Institutes of Health, said, "David Baltimore will make a difference."

In the early years of the AIDS epidemic, researchers hoped to develop a vaccine against the disease within a few years by using techniques developed earlier to create vaccines against polio and other viral diseases. H.I.V., however, which constantly mutates and has the ability to hide in different body tissues for years, has proved more difficult.

More than 15 vaccines have been tested since 1988 in trials in the United States involving more than 2,000 subjects who were not infected with H.I.V., but none has shown much

effect.

Dr. Paul, director of the Office of AIDS Research, said that the effort had resulted in some progress, if slow, and that the failure to find a good preventive so far did not invalidate past work.

"It's quite feasible," he said, "that the vaccines we have been developing will end up being effective, but we have to look at new approaches."

AIDS is not unique in thwarting efforts to develop a vaccine, he said, noting that a century of research had failed to produce a vaccine against tuberculosis and that decades of efforts, and promising candidates, had not resulted in a vaccine against malaria.

Dr. Baltimore said in an interview that he would first review the H.I.V. vaccine program at the national institutes and make sure his committee knew what had been done and what was in progress.

"Then," he said, "I will try to organize regional meetings around the country to ferret out vaccine ideas. We want to hear from anyone with new ideas."

Noting that efforts to develop an AIDS vaccine had been declining among pharmaceutical companies, Dr. Baltimore said he also planned to ask industry for suggestions about basic research the Government could perform to aid the private sector.

His new position is the first for Dr. Baltimore outside the university since the end of a science fraud case in which, although he was only indirectly involved, his reputation took a beating. The case involved accusations that an M.I.T. colleague, Dr. Theresa Imanishi-Kari, had falsified data included in a paper of which she and Dr. Baltimore were co-authors. Government investigators exonerated Dr. Imanishi-Kari of the accusations earlier this year, but the controversy, during which Dr. Baltimore had defended her, cost him prestige and the presidency of Rockefeller University.

Dr. Baltimore said today that he did not consider his appointment a sign either that his reputation had somehow needed rehabilitating or that he was now being brought back into the mainstream of science.

"I've never considered myself to be out of the mainstream," he said, "and I'm glad to have an opportunity to contribute. People can speculate on other issues if they wish."

The New York Times

FRIDAY, DECEMBER 13, 1996

Crash Inquiry May Prompt Order to Inspect Wiring on 747's

By ANDREW C. REVKIN

Even though investigators examining the wreckage of Trans World Airlines Flight 800 have not yet determined what destroyed the plane, Federal aviation officials say the investigation has turned up a potential problem in some fuel-pump wiring on Boeing 747's that is serious enough to warrant ordering airlines to inspect their fleets.

No decision has been made to issue such an airworthiness directive, but several senior engineers at the Federal Aviation Administration said it was likely that an order would be issued because the fire hazard was significant.

An order by the F.A.A. to inspect for the potential problem would be the first concrete result of the 21-week-old investigation into the crash. All 230 people aboard the jetliner died when it was split by an explosion on July 17.

A senior Federal law enforcement official investigating the crash said the apparent problem with the wire covering came to light through the hunt for clues to the T.W.A. crash but stressed that it involved a possible safety issue that, most likely, had nothing to do with the crash.

The potential problem with other 747's involves wiring that runs through tubes to fuel pumps situated inside fuel tanks in the jet's wings. Seventeen years ago, the F.A.A. ordered airlines to wrap Teflon tape around such wiring to prevent insulation from being worn away where the wires run through a metal box housing each pump.

Exposed wiring might allow current to arc from the wire to the metal box housing the pump, melting a hole and causing a fuel leak that could result in a fire.

The 1979 order stemmed from an inspection of a 747 in which wires abraded by years of vibrations did cause a small fuel leak but no fire, a senior engineer at the F.A.A. said. All 747's had to be fitted with the tape, he said.

"But that's getting to be quite a few years ago," added the engineer, who spoke on condition of anonymity. Referring to the Teflon tape, he said, "We're wondering how well it's doing out there."

Thomas McSweeney, director of the F.A.A. office that certifies that particular airplane designs are safe,

said no decision had been made to move ahead with this possible airworthiness directive. "We're still working on a lot of different scenarios," he said.

The new questions about the taped wiring were raised recently as part of a broad effort begun by F.A.A. engineers in the first days after the T.W.A. crash. As they have done in previous crashes, they began looking at previous problems with 747's that might somehow be related to the explosion that ripped open the T.W.A. jet's center fuel tank.

Investigators still do not know whether the tank explosion alone was powerful enough to destroy the plane, and, most important, they do not know if it was ignited by heat or a

spark from a mechanical failure or explosive device.

After the crash, Mr. McSweeney said F.A.A. staff members, working with National Transportation Safety Board officials, began poring over paper work and wreckage to check for possible age-related problems. The T.W.A. 747 that crashed was built in 1971, making it one of the oldest in service.

Experts in aging metal looked at patterns of cracks in its wreckage but found no signs that a spontaneous rip might have occurred, he said. Specialists examined other systems, including the wheel wells.

"The plane seems to have been very well maintained," Mr. McSweeney said. "We saw no signs of aging issues."

When the T.W.A. jet's wings were salvaged from the Atlantic, the Teflon wrapping on the wire bundles leading into the fuel pumps appeared to be worn and partly unraveled, the senior law enforcement official said. But he stressed that the underlying insulation on the wires did not show signs that it had been broken or worn away, or that any arcing had occurred. But the wear and tear was reason enough for concern about other planes, several F.A.A. engineers said.

A fuel leak from arcing wires in the wing tank, under one of dozens of scenarios being studied by investigators, could conceivably explain the T.W.A. crash, said an F.A.A. engineer working on the problem. If wiring had abraded, a spark could have ignited vapors in a vent leading from the wing tank to a "surge tank" that was also connected by a tubular vent to the center fuel tank.

Fire could have traveled up the vent to the surge tank, then — feeding on vapors from the nearly empty center tank — could have raced backward into that tank, causing the explosion.

"Something that happens in one tank could affect the others," the engineer said.

But — as with all the other crash theories — investigators have no evidence to support this or any other theory.

Yesterday in Calverton, L.I., a group of investigators from the safety board and the F.A.A. were in the seventh day of an open-ended meeting to decipher the sequence of destructive events that tore apart the T.W.A. jet.

The New York Times

FRIDAY, DECEMBER 13, 1996

NIH Expert Panel Clears 'Needle-Exchange' Study

No Ethics Bar Seen in AIDS-Fighting Program

By John Schwartz
Washington Post Staff Writer

A controversial study of AIDS-fighting "needle-exchange" programs is not unethical and should go forward, an expert panel recommended yesterday to the director of the National Institutes of Health.

Almost all studies of needle-exchange programs, which allow intravenous drug users to get sterile hypodermics, have found the programs reduce spread of blood-borne diseases such as hepatitis and HIV, the virus that causes AIDS. Federal funding for such programs, however, has been banned by Congress unless it can be proved they reduce disease transmission and do not encourage illegal drug use.

The contested \$2.4 million study, led by Dennis Fisher of the University of Alaska, is an attempt to address whether the good results from prior needle-exchange studies might be attributable to better living habits of people who take part in such programs. Drug abusers in the study would be randomly assigned to two groups: one with access to a needle-exchange program, the other without.

In October, critics charged the study was unethical because it would put half the subjects at high risk of getting dangerous diseases. In fact, getting those diseases was the standard used to measure the study results, they said. The critics, Peter M. Lurie and Sidney M. Wolfe of Public Citizen's Health Research Group, a consumer advocacy organization, asked NIH Director Harold Varmus to revoke funding for the study, which they compared to the notorious Tuskegee experiments, in which penicillin treatment was withheld from black men with syphilis in the 1930s.

Varmus, who said the request was "unprecedented" in his tenure, postponed the study from its scheduled Dec. 1 start and asked a panel of scientists and ethicists to review it. Robert J. Levine, a professor of medicine at Yale University and chair of the review panel, yesterday presented the results to Varmus's top-level advisory committee.

Levine said objections to the study "represented misunderstanding, mischaracterization or both." The study, he concluded, was "scientifically and ethically appropriate."

The 17-page report argued that the study would not withhold treatment from drug users because they would have ready access to syringes sold cheaply at pharmacies. Although subjects in the study conceivably could be offered a vaccine to prevent hepatitis, the panel said such consideration would exceed the standard of care in the area and in other studies.

In addition, the study could help answer nagging questions about the programs, the report said. A small number of studies have indicated needle-exchange programs may increase disease transmission, perhaps because abusers socialize while waiting in line for needles and then take

Critics asked funding for the study be revoked, comparing it with the notorious Tuskegee experiments of the 1930s.

drugs together. The study, by comparing the efficacy of access via needle exchange programs with access to pharmacies, would help answer such "second-generation" questions.

Wolfe, however, criticized the report as "an inside job" because many of its authors are researchers who must go through the NIH grant-approval process and so are reluctant to be critical. A subsequent survey by his colleagues showed drug abusers would have trouble buying needles in pharmacies because of local ordinances, he said. "This is not over," Wolfe added.

Varmus pressed Levine on the ethical implications of not offering hepatitis vaccines to subjects in the study. Varmus said he would make a final decision on the project by next week. "We're concerned about doing the best possible work within ethical boundaries," Varmus said. "I'm trying to weigh it as carefully as I can."

FDA Panel Endorses Anti-Depressant to Help Smokers Quit

Johnston said that if bupropion was approved, it would be the first non-nicotine treatment for smoking cessation.

Others, such as the patch and nicotine gum, use mild doses of nicotine to try wean people off cigarettes.

The anti-depressant version of the drug had caused seizures in some depressed patients. But company officials said that it produced no seizures when used in smoking-cessation trials, and that the drug's effectiveness outweighed any risks.

with another cessation product, such as the nicotine patch.

FDA approval was recommended by the agency's Drug Abuse Advisory Committee. The agency is not bound to follow the advice of its outside expert panels, but usually accepts it.

Glaxo Wellcome scientist Andrew Johnston said the idea to use the anti-depressant drug for smoking cessation arose when it was found that many depressed patients who smoked often quit smoking when they took the drug.

Reuter

A federal advisory committee yesterday recommended that the Food and Drug Administration approve a drug now taken as an anti-depressant for use as an aid for smoking cessation.

If approved, Glaxo Wellcome PLC's bupropion would be the first drug to help people quit smoking that could be taken in pill form, and the first not to contain nicotine.

Company officials said the drug could be taken once or twice a day either alone or in combination

The Washington Post

FRIDAY, DECEMBER 13, 1996

THE REGULATORS

Produce Marketing

An Ad Campaign Fight That's Ripe for the Picking

By Cindy Skrzvcki
Washington Post Staff Writer

For the agricultural industry, this could be a peach of a case if the **Supreme Court** decides that handlers of fruits and vegetables don't have to chip into a government-mandated fund to bankroll "generic" product-advertising programs.

A remnant of the New Deal, the **Agriculture Department** through the years has blessed agreements drawn up and voted on by fruit and vegetable producers to regulate the quality of their product, to decide how much of it goes to market and how it should be advertised.

Operating under the auspices of an arcane Washington moniker called "marketing orders," the programs depend on mandatory assessments—some would say taxes—that finance the \$1 billion in annual ad campaigns that some growers, packers and handlers of commodities now object to.

This program, sponsored and enforced by the Ag Department, is best known to Americans as the milk mustache sported by celebrities or the dancing California raisins. Beef and pork producers have done widespread collective advertising to combat declining consumption of their products.

The government defends these programs, which have been created by Congress and state legislatures, as a way to keep markets stable and promote sales of commodities that might be flagging. And many an agricultural interest has tried to get the government to sanction an "order" that makes the entire

See **THE REGULATORS**, D9, Col. 1
THE REGULATORS: From D1

industry pay, whether its members want to or not.

There is a proposed canola and rapeseed program; a cotton program; the **American Egg Board**; and the watermelon and honey boards. Some have been voted out of existence: limes and pecans. Others have been proposed: popcorn and kiwi. All of these are in addition to 32 nut, fruit and vegetable campaigns that include California dried prunes, Hawaiian papayas and Florida avocados.

Some growers and producers, who in recent years have been concentrating on differentiating their products from that of competitors, object to the scope and cost of the programs, which run like mini-federal agencies.

"Handlers find it outrageous that the government tells them how to market their product. They want to speak for themselves," said **Michael W. McConnell**, an attorney and First Amendment expert who represented 13 of the growers.

Based on the complaints of 16 nectarine, peach and plum packers in California, the Supreme Court heard arguments on Dec. 2 about whether such advertising campaigns abridge the packers' rights of free speech to promote their own products.

After the packers won their case in the Ninth Circuit, the government appealed to the Supreme Court. Legal experts say the case will test whether the government should be involved in this kind of advertising for other commodities.

Specifically, what the court was asked to

consider was whether a group of California firms, including **Wilestan Brothers & Effett Inc.**, should be forced to pay about \$1 million annually to create industry-backed promotions that they object to.

The government told the Court the programs increase demand and stabilize markets. It likens them to the union dues that members pay. But some of the justices wondered at the haphazard collection of promotion programs that boost California peaches alone, but not those grown in 30 other states.

The packers who brought the case have similar questions about the reach of the **Agricultural Marketing Agreement Act of 1937** to advertise certain aspects of a product.

For example, packers complain that the money advertises a red nectarine called **Red Jim**. One of the packers is trying to sell yellow nectarines. Similarly, a plum campaign promoted the sweetness of plums, overlooking sour green plums.

More fundamentally, opponents of marketing orders and other state and federal promotion programs don't want their competitors deciding how to advertise a product that may not be generic such as milk, beef and pork.

"When you buy milk, you don't know if it's Jersey or Guernsey milk you're drinking, whereas in our commodity, we have over 100 varieties of plums," said **Thomas Campagno**, a Fresno lawyer representing three of the packers. Or, as he said, "A peach is not a peach. A plum is not a plum."

The programs also can be costly and inefficient as recent failed attempts to create a wool promotion program have shown. Wool importers lobbied against the \$12 million program that they said would not have represented their interests.

For peaches, nectarines, plums and pears in California, a committee of 25 industry representatives decides how to spend about \$9 million annually in advertising revenue. The packers in the case have withheld \$6.5 million in advertising account since 1988, when they first started battling the government. They hope for refunds if they win.

"The roof will fall on when everyone starts wanting a refund," said **James Moody**, a public interest lawyer working on the case for the packers.

Because remember, a peach is not a peach.

THE DOOR does swing.

Barry McCahill, longtime chief of the public affairs operation at the **National Highway Traffic Safety Administration**, retired and has joined **Strat@comm**, a public relations firm that deals with transportation and other issues.

McCahill spent 18 years at the **NHTSA**, working for administrators who spanned the ideological spectrum from consumer activist **John Claybrook** to Republican **Oliver Stoen**.

He'll be seeing some of the same faces. **Strat@comm** represents the Big Three automakers and **Steed**, former **NHTSA** administrator in the Reagan administration, is one of his new bosses.

The Washington Post

FRIDAY, DECEMBER 13, 1996

Air Bags

- cut off
- depowered
- deactivated (dealers)
- two
-
-

ready fairly soon. —

Two weeks from Saturday —

New Years eve drive call —

- rule ^{on} Smart air bags —

pushing for stronger seat belt laws —

- primary seat belt laws —

- 13 states have them

- opposition from left — right —

- offer incentives legislatively —

Phil Recht — NHTSA Deputy. —

Ricardo Martinez —

Nancy McFadden —

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Message:

From: Jaqueline Crooks

U.S. Agency Weighs Switch-Off Option For Auto ...

DOCUMENT 18 OF 19

J9631700128

U.S. Agency Weighs

Switch-Off Option

* For Auto Air Bags

A Wall Street Journal News Roundup

262 Words

1995 Characters

11/12/96

The Wall Street Journal

B7

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WASHINGTON -- Federal safety regulators are considering requiring auto

* makers to make shutoff options available for air bags on all new cars and trucks, but auto makers and safety advocates are united in opposing the plan.

National Highway Traffic Safety Administration officials have been weighing the rule change in reaction to the growing number of children

* killed by inflating air bags. Government statistics show the devices have killed 30 children since 1993 and also put smaller adults and women at risk.

Auto makers and safety advocates, who often don't see eye to eye on auto-safety issues, are speaking with one voice in a broader effort to

* get federal safety authorities to let auto manufacturers use air bags that puff up more slowly than today's devices, which expand as fast as 200 miles an hour.

* Regulators are considering the lesspowerful air bags and are weighing mandating "smart" air-bag systems that can sense if a seat is occupied by a small person and turn off the air bag. Until those systems are widely in use, the agency is considering requiring auto makers to offer car buyers the option of a switch that would let the driver turn off an air bag.

Plans for changing the rules, which were reported yesterday by USA

Today and Automotive News, a trade publication, come amid growing fears

* among consumers about air bags, especially about injuries they cause in low-speed accidents. The auto-safety agency is poised, as early as this week, to detail what kind of warning labels it wants manufacturers to
* put on all vehicles with air bags.

I0607 * End of document.

LEVEL 1 - 32 OF 34 STORIES

Copyright 1996 The Washington Post
The Washington Post

November 13, 1996, Wednesday, Final Edition

SECTION: FINANCIAL; Pg. C13

LENGTH: 304 words

HEADLINE: Safety Group Seeks Probe Of Air Bag-Related Deaths

BYLINE: Warren Brown, Washington Post Staff Writer

BODY:

A national consumer group asked the federal government yesterday to examine four brands of vehicles in the search for both the causes of air bag-related deaths and ways to reduce them.

In a letter to the National Highway Traffic Safety Administration, Clarence M. Ditlow, director of the Center for Auto Safety here, said most of those deaths occurred in 1994 to 1996 Chrysler Corp. minivans (Chrysler Town & Country, Dodge Caravan and Plymouth Voyager), 1990 to '92 Chevrolet Beretta and Corsica cars manufactured by General Motors Corp., and 1990 to '92 Ford Taurus sedans.

Ditlow asked the NHTSA to investigate whether the cited vehicles have defective sensors. There have been 48 air bag deaths since 1986; eight occurred in the Chrysler minivans, four in the Chevrolets and five in the Ford Taurus.

Chrysler spokesman Chris Preuss said Ditlow's petition to NHTSA Administrator Ricardo Martinez lacked statistical merit. GM and Ford officials had no comment.

Ditlow said eight of the 29 children killed by air bag deployments died in Chrysler minivans, including five fatalities in 1996 "when other minivans on the road totaled 1 million, yet accounted for no child deaths."

Preuss said Ditlow's argument ignores "the fact that we began producing minivans with two front air bags before anyone else, that we have more minivans on the road than anyone else, and that most minivans are used by families." Still, he said, Chrysler is working with the NHTSA and with other automakers to design air bags that have fewer injurious or fatal side effects.

NHTSA officials had no comment on the letter but noted that air bags have saved more than 1,000 lives. And they reiterated advice to parents to place infants and children in the rear seat to reduce the risks of air bag and other crash injuries.

LANGUAGE: ENGLISH

LOAD-DATE: November 13, 1996



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Regulators, Big 3 Fail To Reach Consensus In ...

DOCUMENT 15 OF 19

J9631900075

Regulators, Big 3 Fail

To Reach Consensus

* In Talks on Air Bags

276 Words

2236 Characters

11/14/96

The Wall Street Journal

A14

(Copyright (c) 1996, Dow Jones & Company, Inc.)

WASHINGTON -- Auto makers and government regulators failed to reach a consensus on how to improve air-bag safety and agreed to conduct additional tests in a bid to resolve the issue.

The two sides, meeting at the offices of the National Highway Traffic Safety Administration, agreed that current government standards that regulate how dummies must perform in crash tests need to be modified because of the number of children and smaller adults killed by the rapid

* expansion of air bags.

Officials representing both manufacturers and regulators said they want to come up with "the right answer," an air-bag safety standard that would protect children and smaller adults while also continuing to protect average-size adults.

* However, the differences were over how to test reduced-strength air
* bags. The Big Three domestic auto makers, which have been conducting separate air-bag tests, presented their findings to the regulators along with a number of proposals on modifying the standards.

By the end of the meeting, though, NHTSA officials told the manufacturers that none of the data pointed to a clear resolution of the issue and asked that they continue testing various levels of reduced air-bag deployment. The two sides are now headed for an air-bag safety conference in Toronto, which begins today.

Meantime, safety advocate Clarence Ditlow of the Center for Auto Safety petitioned the government to conduct tests of certain car and light trucks in which a number of occupants have been killed as a result of rapid air-bag deployment.

Separately, Chrysler Corp. released the latest data on its program to replace about 4.1 million rear-door minivan latches. The company said only 39% of minivan owners have replaced the latches.

I0607 * End of document.

LEVEL 1 - 27 OF 34 STORIES

Copyright 1996 The New York Times Company
The New York Times

November 17, 1996, Sunday, Late Edition - Final

SECTION: Section 4; Page 14; Column 1; Week in Review Desk

LENGTH: 489 words

HEADLINE: Ideas & Trends;
The Lives It Costs to Save Lives

BYLINE: By MATTHEW L. WALD

DATELINE: WASHINGTON

BODY:

AT first, anything that improved the crashworthiness of a car was good for everybody: shatter-proof windshields, padded dashboards, crumple zones and the like. Then came the air bag.

The National Highway Traffic Safety Administration is now facing a moral quandary, and safety advocates are beginning to learn about the law of unintended consequences.

On the driver's side the air bag seems to be an unqualified good, because in a crash it protects the driver from the steering wheel, a spear aimed at the heart. On the passenger's side, though, air bags have killed about 30 children and 19 adults of below-average height by hitting them in the face so hard their necks were broken; dozens more have been badly hurt.

Blessed Are the Belted

Car manufacturers, which first resisted mandatory airbags and then embraced them as a marketing tool, have a quick solution in mind: build air bags that deploy more slowly, or "less aggressively," as they put it. The bags would still be fast enough to protect passengers wearing seat belts, the companies say, though they would provide less-than-optimal protection to unbelted passengers.

The traffic safety agency could rule on this plan within days, but it has some issues to resolve. First, who should the rules be written to protect: people who don't wear seat belts, who represented 85 percent of the population when air bags were first being developed and tested, or people who do wear them, representing two-thirds of the population now?

And there's an even trickier question: if the air bag is not slowed down, should the agency still require cars to carry a device that is certain to kill some people on the way to saving a larger number?

It is tempting to compare an occasionally lethal but generally life-saving



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The New York Times, November 17, 1996

air bag to a vaccine that will trigger a handful of fatal reactions. But vaccines have a benefit ratio hundreds or thousands of times higher than air bags, which according to Government statistics have saved 1,500 people, or about 30 times more people than they have killed.

Officials at the safety agency declined to comment on the decision pending before it, but others weighed in.

Marion C. Blakey, a former head of the Traffic Safety agency and now a consultant, said building a standard around people who do not wear belts, as the existing rule now does, is "accommodating people who are taking an illegal action in 49 out of 50 states." (Seat belts aren't required in New Hampshire.) She added that the victims of the passenger air bags now in use -- usually children, often infants -- cannot protect themselves.

As with many problems of modern life, there is a high-tech solution, if not now, soon: "smart" air bags that will scan the occupant of the passenger seat and then decide how to deploy. But those are still in development and probably years away, and in the interim the Government has some tough decisions ahead.

GRAPHIC: Photo: In the crash dummy lab, the question is who will survive an inflating air bag? (Peter Yates for The New York Times)

LANGUAGE: ENGLISH

LOAD-DATE: November 17, 1996

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Children's Deaths Spur Backer of Air Bags to ...

DOCUMENT 14 OF 19

J9632300054

Politics & Policy

* Children's Deaths Spur Backer of Air Bags to Rethink

By Asra Q. Nomani and Gabriella Stern

Staff Reporters of The Wall Street Journal

1284 Words

8485 Characters

11/18/96

The Wall Street Journal

A14

(Copyright (c) 1996, Dow Jones & Company, Inc.)

Joan Claybrook has made a career of flogging auto makers for dragging their feet on safety improvements. But now the matriarch of Washington's auto-safety lobby, who was instrumental in requiring air-bag safety systems in cars, has been forced into a humbling retreat.

* The reason: Air bags are killing children. And now Ms. Claybrook has reached out to her longtime nemeses, Detroit's Big Three auto makers, to negotiate a solution. As a result, some of the people who have frequently helped Ms. Claybrook and her allies to pressure regulators, Congress and industry for tougher safety rules -- the bereaved survivors of crash victims -- have occasionally wondered if she's truly on their side.

Robert Sanders, a Baltimore lawyer whose seven-year-old daughter was killed by an inflating air bag, said he was "confused" to learn Ms. Claybrook was apparently embracing an industry-proposed solution that he regarded as unsatisfactory. Surprised, he sought an explanation. After hearing her side, he says he concluded the safety advocates "have a broader agenda." He hopes a deal between Ms. Claybrook and the industry would save lives, but he says, "I'm not fully persuaded children will be saved."

Ms. Claybrook, a protege of consumer activist Ralph Nader and the president of Public Citizen, the advocacy group Mr. Nader founded, offers no apologies. "I just want closure," the 59-year-old says. "I'm trying to have us all come together -- to stop the death and injury."

The National Highway Traffic Safety Administration says that in the
* past seven years inflating air bags have killed 30 children as well as 19 adults, most of them small women. Most of the children weren't wearing safety belts and were seated up front instead of in the back, which is safer. The Big Three want NHTSA's permission to reduce the
* force with which air bags inflate.

Auto and insurance industry officials say NHTSA recently has

indicated it will seek public comment over a 30-day period on two competing proposals to reduce air-bag force, rather than immediately choosing one of them. An announcement is expected soon. The proposals --

- * one from the auto industry, the other from NHTSA -- would "depower" air
- * bags differently, using distinct testing methods. Late last week at an air-bag summit in Toronto, international auto manufacturers united
- * behind the U.S. industry plan to test new air bags through sudden acceleration and deceleration rather than the traditional method of ramming a car into a concrete barrier. They argue that crash-barrier tests are more severe than real-world accidents, requiring more forceful
- * air bags that would take more time to install.

The industry officials say both plans would better protect smaller drivers, who often sit only inches from an air bag, and babies in rear-facing child seats. However, they concede neither plan would fully protect small children who aren't wearing seat belts properly and are positioned close to the dashboard -- the kind of situation that resulted in the deaths of most of the 30 children.

Ms. Claybrook has swung toward the industry's position in recent days. Even after NHTSA started warning of air-bag perils last year, she opposed depowering bags, which would require changing the air-bag rules for which she battled with auto makers in the 1970s and 1980s.

- * Ms. Claybrook crusaded for putting air bags in cars when she was NHTSA administrator under President Carter and later when she joined Public Citizen. Car makers' reluctance to embrace them, she said in a 1985 speech, was based on "inaccurate criticisms."

One of industry's arguments was that the devices could harm children. They offered evidence in congressional hearings and in a Sept. 27, 1979, letter to Ms. Claybrook when she still was head of NHTSA. "Through extensive development testing, we became concerned about the potential for risk of injury to unrestrained small children," wrote Betsy Ancker-Johnson, then a GM vice president.

But the concerns fell by the wayside as Congress, at the prodding of Ms. Claybrook and other advocates, ultimately mandated a phase-in of

- * passenger and driver side air bags in 1991. By then, auto makers learned to use them as potent marketing tools. Today, auto makers blame Ms. Claybrook for rushing them to production.

- * "All along, the auto industry said, 'Hey, air bags are going to save lives, but we are concerned there are going to be some unfortunate consequences for improperly restrained occupants,'" says Jason Vines, a Chrysler Corp. spokesman. "For a long time, she was saying, 'No way in hell are we going to open up the federal safety standard.' Now it appears she has seen the light."

- * Ms. Claybrook notes that air bags have saved about 1,100 lives and says auto makers have been tardy in developing effective air-bag technology. "What do I have to feel guilty about?" she asks. "About getting the auto industry to do its job? To save lives?" She argues the

* responsibility for bringing out the very safest air bags rests with the auto industry.

Still, Clarence Ditlow, a longtime friend of Ms. Claybrook who heads the Center for Auto Safety, another Nader group, says advocates should have pushed harder for additional research on potential harm to children. "Maybe we share in the responsibility," he says.

After NHTSA issued a warning in October 1995, Ford Motor Co. proposed

- * changing federal rules so air bags wouldn't have to inflate as fast as they do. Ms. Claybrook called the idea "the least desirable technical remedy" and argued that more attention should be paid to air-bag design.
- * She said air bags represent a "magnificent technology that's saving huge numbers of lives and has a few imperfections."

But she, Mr. Ditlow and other safety advocates began rethinking their position amid increasing media scrutiny. NHTSA was considering requiring

- * auto makers to offer an on-off switch for air bags, allowing drivers to disable the devices, depending on the passenger. The advocates worried
- * it would be a dangerous first step toward eliminating air bags altogether, undoing their years of toil.

In a series of recent phone conversations, Ms. Claybrook suggested to her fellow advocates that it might be time to seek a compromise. "Joan is a great politician," Mr. Ditlow says. "She said to us, 'Let's figure out what they want and what we want and if we can live with that.'"

She called Barry Felrice, a former NHTSA associate administrator and longtime acquaintance who worked for her while she was in charge of the agency. He was hired last summer by the American Automobile Manufacturers Association, the lobbying group for the Big Three. On Nov. 8, he met with her, Mr. Ditlow, an insurance industry official and four other safety advocates at Public Citizen's Washington offices.

- Ms. Claybrook told Mr. Felrice the advocates would no longer oppose
- * depowering of air bags, but the industry would have to back a federal
- * mandate for advanced "smart" air bags that automatically adjust to the size of passengers. She also pressed for warning labels and a campaign to tell people to seat children in the rear. In the end, she requested a formal proposal from the Big Three encompassing all these elements. He's understood to have agreed to take the idea back to Detroit.

NHTSA must make the final call but after being blasted for settlements of safety disputes with General Motors Corp. and Chrysler in the past two years, top administrators are likely to listen closely to the advocates' views. And Ms. Claybrook says she's ready to fight again if necessary. "Without a package" of air-bag proposals, "no one is going to support anything."

Her one regret is that she didn't press the industry to take care of this a long time ago. "That was my major mistake," she says. "I trusted the manufacturers to do the right thing."

Federal Regulators Are Likely to Unveil A ...

DOCUMENT 13 OF 19

J9632500118

Federal Regulators Are Likely to Unveil

A Broader Overhaul of Air-Bag Rules

By Asra Q. Nomani and Gabriella Stern

Staff Reporters of The Wall Street Journal

610 Words

4352 Characters

11/20/96

The Wall Street Journal

B8

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Federal regulators are expected to announce a broad overhaul of air-bag safety standards that would eventually require high-tech systems to control the force of the air bag's deployment depending on the size of drivers and passengers.

The "smart" air-bag system would be part of a series of proposals -- much broader than first anticipated -- expected to be released as early as tomorrow. As part of the package, regulators plan to require the auto industry to make the devices inflate less forcefully and issue tougher warning labels about their potential dangers to children.

National Highway Traffic Safety Administration regulators are expected to punt on the controversial issue of precisely how forcefully the bags should inflate. They are planning to issue two competing plans, one backed by the industry and the other by NHTSA researchers, and wait until after a 30-day public-comment period before making a final decision. However, people familiar with the situation said top NHTSA officials are leaning toward the industry's plan.

The announcement comes after weeks of negotiating and political posturing by regulators, the auto industry, the insurance industry, * consumer advocates and the parents of children killed by air bags. Much of the delay stems from efforts by NHTSA chief Ricardo Martinez and his aides to bridge differences so Mr. Martinez could have many of those interest groups literally standing behind him when he makes his announcement to show that the new standards have broad support.

* Air bags have saved about 1,100 lives since 1989, NHTSA says, but they have created a huge scare among consumers because of the deaths of

* 30 children and 19 adults, most of them short, from inflating air bags.

Most of those adults weren't wearing seat belts. Nine of the children were sitting in rear-facing infant seats in the front seat, instead of the safer back seat, and 17 of the children weren't wearing seat belts.

The pattern of children's deaths has sparked a public-education

campaign mostly funded by the auto industry to send the message to seat children in the back. About 22 million cars and light trucks on the road
 * have air bags.

While the government already requires auto makers to put warning labels on their vehicles' sun visors, regulators plan to make the language tougher and the labels more visible. Auto makers point out that they had tough warning labels on vehicles but that in 1993 the NHTSA told them to soften the language for fear of alarming motorists.

* On the thorny issue of air bags' force, the two competing plans would use different tests to determine how forcefully bags should inflate. NHTSA researchers want to use conventional concrete barriers to crash cars with dummies, while auto makers want to use so-called sled tests in which cars are rapidly accelerated and decelerated. The industry argues that the sled test is cheaper and simpler to conduct, which would bring
 * the newer air bags to production faster.

Both sides concede that their proposals wouldn't fully protect unbelted children but would better protect smaller drivers and babies in rear-facing child seats.

The smart air-bag technology would include seat-embedded sensors so that a device would be disabled or made less powerful if a child or small adult is sitting in the passenger seat. The auto industry has lobbied NHTSA to not mandate this new technology too quickly. Industry officials also have argued that the mandate could substantially boost car prices.

NHTSA's package also will likely address the issue of dual-inflating
 * air bags, which inflate slower in less-severe crashes. Consumer advocates have pushed for these as an interim solution between
 * less-forceful air bags and smart bags. Industry officials say research on that technology is incomplete.

I0607 * End of document.

Regulators to Propose That Car Owners Be Allowed ...

DOCUMENT 12 OF 19

J9632600126

Regulators to Propose That Car Owners

* Be Allowed to Have Air Bags Disabled

By Asra Q. Nomani and Gabriella Stern

Staff Reporters of The Wall Street Journal

464 Words

3407 Characters

11/21/96

The Wall Street Journal

A4

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- * Car dealers and independent mechanics would be allowed to disable air
- * bags at a customer's request under a proposed overhaul that is expected to be announced shortly by regulators at the National Highway Traffic Safety Administration.

The proposal would represent a sharp turnaround for the agency and

- * was made amid growing public worries about the safety of inflating air
- * bags, which have been linked to the deaths of at least 30 children and 19 adults, mostly short. It is now illegal for dealers and mechanics to disconnect the safety devices, and regulators have resisted changing the rules. The broad overhaul of air-bag safety standards is expected to be announced within days.

NHTSA officials have rejected the idea of allowing on-off switches in vehicles that would let drivers and passengers temporarily shut off

- * their air bags. Under the proposal, the NHTSA would require that consumers sign waivers of manufacturer responsibility before a dealer or mechanic could deactivate the safety devices, people familiar with the situation said. The agency also would require prominent labels stating
- * that the air bags have been turned off. The air bags could be reactivated.

Regulators believe that with those steps involved in deactivation, there is less chance a car owner will forget that the bag is disabled than there would be with an on-off switch.

The proposal comes amid worries that if government regulators don't act, Congress would step in by rewriting auto-safety laws to allow

- * dealers and mechanics to disable air bags, potentially opening the laws
- * up to broader changes. Individual owners can legally disconnect the air
- * bags themselves, but few do it because they don't know how or are afraid of damaging their vehicles.

"I think people should have a choice to disconnect it if they feel that it could possibly harm them," says Lisa Capek, who is 4 feet 11

inches and weighs 85 pounds. The 35-year-old Alpharetta, Ga., mother of two young children called a NHTSA hot line recently to find out if she
* could disconnect the air bags in her Volvo.

The NHTSA, which has been flooded with similar inquiries, has come under growing pressure to give people the freedom to disconnect the bags. "There's a lot of heat out there," one consumer advocate says. But advocates also warn that it could be a logistical nightmare keeping
* track of people who disconnect their air bags.

* In addition, consumers may ask why they have to pay extra for air
* bags when they plan to disconnect them. Air-bag advocates say that could undermine research and development of new air-bag technologies, including "smart" systems with sensors that detect an occupant's size to control deployment. "I don't think anybody wants to start down the slippery slope," an auto industry official said. "It has got to be thought about very carefully."

I0607 * End of document.

LEVEL 1 - 21 OF 34 STORIES

Copyright 1996 The Washington Post
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November 21, 1996, Thursday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1175 words

HEADLINE: U.S. Doubts On Air Bags Date to '69; No Warnings Issued On Suspected Danger To Small Passengers

BYLINE: Warren Brown; Cindy Skrzycki, Washington Post Staff Writers

BODY:

Federal and auto industry officials suspected as long ago as 1969 that air bags could injure or kill some children and small adults, but the government did not warn the public as it campaigned to win widespread public acceptance of the devices, according to documents spanning more than 20 years of debate over air bags.

For example, in a 1969 research paper by General Motors Corp., the automaker noted that "a small child close to an instrument panel from which an air cushion is deployed may, in our present estimation, be severely injured or even killed."

But it wasn't until December 1991 that the National Highway Traffic Safety Administration warned parents that children in infant safety seats should not be placed in front of an air bag. And it wasn't until November 1995 that the agency publicly stated that air bags could cause injuries and death.

In October 1991, after air bags had been road tested for several years, auto executives and NHTSA officials met to evaluate the real-world experience with the devices. At the meeting in Detroit, NHTSA said it was "aware of one-half dozen or so cases in which it is believed that the air bag caused the death of the occupant" in crashes below 10 mph.

But according to a NHTSA memo recounting the meeting, federal and industry safety officials agreed "that the potential for bad press in these few cases could cause a lot of harm to the public's positive perception and receptiveness to air bags."

The public confidence in air bags was growing with reports of lives being saved in severe accidents. Air bags are credited with saving more than 1,100 lives in the past decade, while they are blamed for a relatively small number of fatalities -- 50, including 30 children.

As far back as 1984, NHTSA officials were looking at specific concerns raised by automakers that children 4 years old and younger might be vulnerable to injuries by air bags. In one report on those investigations, the agency concluded that the potential benefits of air bags far outweighed their potential harm to infants and small children.



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The agency said in that report that the "theoretical potential" of a small child being injured in an air bag-equipped car "is more than offset by the overall crash protection afforded children by air bags."

Besides this report there were countless pieces of correspondence with the agency, technical briefs, research papers and other documentation that indicated that the deployment of air bags could be harmful to small passengers, particularly those unbelted.

Until this year, when news of fatalities caused by air bags became widespread, much of the sparring and debate over the safety of the bags -- and how the regulation should be crafted -- was done behind closed doors. In typical Washington fashion, lobbyists, industry representatives, consumer groups, insurers and the government fought over the reach of the rule.

And as the government struggled to come up with "passive restraint" regulations -- an effort that began in the 1960s -- the safety aspects of the proposed rules became mired in political, economic and marketing battles waged among these same groups.

Consumer groups, in particular, were active in the earliest days, pushing the industry and the government to put a "passive restraint" standard on the books as quickly as possible. "Passive restraints" then included air bags and automatically closing seat belts -- but clearly it was air bags that consumer groups favored.

Yesterday, leaders of the same consumer groups conceded that air bags, which they once promoted as a near-perfect safety device with some drawbacks, needed to be made safer.

The groups, Public Citizen and the Center for Auto Safety, petitioned the government to force automakers to install dual-speed air bags in all new cars and trucks by the fall of 1998.

Dual-speed bags would deploy at high or low speeds, depending on the weight of the person sitting in front of the device. Lower deployment speeds, ordered by sensors placed in the seat, would protect most children in crashes, the consumer advocates said yesterday.

NHTSA officials said they will withhold comment on the proposal until they review it. The agency is reviewing other proposals, which include air bag warning labels, air bag on-off switches and mandating reduced deployment speeds for air bags.

In Toronto last week, U.S., Japanese and European auto safety experts approved a resolution to slow down air bag inflation rates.

"We've never said, and no one has ever said, that there would be no deaths" from air bags, Joan Claybrook, Public Citizen president and a former NHTSA administrator, said yesterday.

"We're not suggesting now that every death is going to be prevented" with dual-speed bags, Claybrook said. "We're suggesting that a large number of those deaths can be prevented," she said.

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Sam Kazman, general counsel of the Competitive Enterprise Institute, a conservative Washington-based think tank, said, "That's an interesting bit of revisionism on Joan's part." Kazman said Claybrook often touted air bags as being "perfect for little children."

Consumer leaders, including Claybrook, often accused GM and other automakers of using the child-injury argument as a ruse to delay installation of air bags.

For example, Claybrook said on Oct. 2, 1979, that GM's evidence of potential child injury from air bags is "fragmentary and speculative." Even if there were child injuries, "the trade-off in terms of saving thousands of lives clearly outweighs these extraordinary and infrequent risks," Claybrook told the media then.

There was ample reason for Claybrook to suspect that automakers would resist installing air bags. The companies frequently had fought federal efforts to require safety devices such as seat belts, often citing the potential costs of installing those items and the public's supposed unwillingness to pay for them.

The government, at the urging of consumer groups, would push for new auto safety devices. The automakers would say no, while spending huge sums of money to lobby sympathetic, powerful lawmakers such as Rep. John D. Dingell (D-Mich.), who pressed NHTSA to delay the implementation of air bag rules.

The auto industry also benefited from political changes that put Republicans -- opponents of "big government" and federal auto safety mandates -- in the White House.

Claybrook said yesterday that she is well aware of that history and her role in it, but contended that she and other consumer advocates had nothing to be ashamed of.

"Every position I've taken" on the air bag issue "was based on the best information I had at the time," Claybrook said.

She and Clarence Ditlow, executive director of the Center for Auto Safety, said the car companies bear the ultimate responsibility for coming up with safer air bags.

"What we're trying to do now is reach out to the automakers. We want a resolution. The ultimate 'prize' in all of this is a reduction of deaths and injuries," Claybrook said.

GRAPHIC: Photo, The Washington Post; Photo, Ford Motor Co., Transportation Department documents reveal automakers' and government's concern over the negative impact news of air bag-related deaths would have. Consumer advocates say that lower deployment speeds, determined by sensors placed in the seat, would protect most children in crashes.

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LOAD-DATE: November 21, 1996



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LEVEL 1 - 19 OF 34 STORIES

Copyright 1996 The Washington Post
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November 22, 1996, Friday, Final Edition

SECTION: FINANCIAL; Pg. B10

LENGTH: 565 words

HEADLINE: GM Plans Safety Changes in Air Bags for Next Year

BYLINE: Warren Brown, Washington Post Staff Writer

DATELINE: NEW YORK, Nov. 21

BODY:

General Motors Corp. plans to reduce air bag inflation speeds next year to make them safer and to install air bag cutoff switches in some pickups, GM executives said today.

"We're going to do it, and I think you'll find that the industry is going to do it," said Roy S. Roberts, vice president and general manager of GM's GMC/Pontiac Division.

Roberts and other GM executives said they expect to see the new air bag systems in cars and trucks going to the domestic market next fall.

The comments came on the eve of a news conference at which, auto industry officials said, the National Highway Traffic Safety Administration will propose a series of new rules to increase air bag safety.

The agency has been reexamining air bag regulations in the wake of a public outcry over deaths attributed to the devices. Over the past decade, 50 people -- including 30 children -- have been killed by air bags, which can inflate at speeds of 200, mph according to NHTSA officials. In the same period, air bags have been credited with saving 1,100 lives.

According to several auto industry sources who said they are familiar with NHTSA's latest air bag proposals, the agency will recommend that car companies take steps to reduce the deployment speeds of the bags, beginning with models going on sale next fall.

The sources also said the agency will present other proposals, including one that grants car and truck owners more authority to disconnect air bags.

In addition, the agency will propose stronger warning labels for air bags, allow the use of off-on switches for passenger-side air bags in most pickup trucks, and ask for more time and money to research "smart" air bags, the industry sources said.

NHTSA officials declined to confirm those reports. But the agency said it will hold a news conference Friday about proposed new air bag rules.



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The Washington Post, November 22, 1996

Federal and industry officials want to allay fears that they said could undermine use of air bags.

Slowing air bag deployment speeds would make it less likely that an inflating bag would injure drivers and passengers, especially if they are wearing seat belts and shoulder harnesses, they said.

Under certain circumstances, usually related to health, vehicle owners can petition the agency to allow mechanics to disconnect air bags in their vehicles. Sources said NHTSA's proposal would make it easier to obtain exemptions. Some consumer groups fear that easier exemptions could lead to widespread disconnections of air bags.

The proposed warning labels would remind adults to put infants and small children in the rear seats of passenger vehicles, where they are safer in collisions. The labels also would remind adults to use their seat belts and not to sit too close to air bag pouches in steering wheels and passenger-side dashboards.

Cutoff switches already are available in certain GM and Ford Motor Co. pickup trucks. Under the NHTSA proposal, industry sources said, these switches would be restricted to pickups and other vehicles, such as two-seat sport coupes, in which there is no rear seating for children and infants.

"Smart" air bags are systems that employ sensors that would adjust air bag deployment speeds to the weight of the person sitting in front of the bag. Industry and federal officials have said that more research is needed on these systems before they can become widely installed.

LANGUAGE: ENGLISH

LOAD-DATE: November 26, 1996

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LEVEL 1 - 16 OF 34 STORIES

Copyright 1996 The New York Times Company
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November 22, 1996, Friday, Late Edition - Final

SECTION: Section A; Page 1; Column 6; National Desk

LENGTH: 1038 words

HEADLINE: U.S. TO EASE RULES TO MAKE AIR BAGS LESS DANGEROUS

BYLINE: By ROBYN MEREDITH

DATELINE: DETROIT, Nov. 21

BODY:

Faced with mounting public anxiety over the danger that air bags pose to small adults and children, the Transportation Department has decided to allow drivers to have the air bags disconnected and manufacturers to make bags that inflate more slowly, Government and private safety experts said today.

The National Highway Traffic Safety Administration, an agency of the Transportation Department, plans to outline the proposed rule changes in Washington on Friday, the experts said.

Since 1991, 51 people -- most of them not wearing seat belts and most of them children under 10 -- have been killed as their air bags inflated with great force and as victims were thrust forward in crashes. The Transportation Department calculated in late summer that air bags -- which deploy at speeds of up to 200 miles an hour -- were killing children at the rate of one a month. But by the year 2000, when air bags are expected to be far more prevalent, the child death rate could increase to one a week if no action is taken, according to department estimates.

The decision to allow manufacturers to make slower-inflating air bags is a trade-off, offering less protection to unbelted adults in high-speed crashes to make the bags less harmful to children and frail or small adults in lower-speed accidents.

In the 1970's, fewer than 15 percent used seat belts, compared with 66 percent now. Federal regulators began requiring that air bags deploy quickly in the 1980's. While auto executives publicly warned at the time that air bags would injure some people, the consensus was that these injuries were worth the risk to save a great many lives. Air bags have saved more than 1,600 lives, according to the safety agency, and the number is expected to grow as more cars are sold with dual air bags.

In recent years, more people have strapped on seat belts because of public education and because states have passed laws mandating that they be worn. This change has led auto makers to propose air bags that deploy more slowly, but that would still stop a belted passenger short of the dashboard or steering wheel, except in accidents at very high speeds.



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The New York Times, November 22, 1996

Just as they did two decades ago when air bags first came to public attention, consumer groups, auto makers and safety officials have been arguing over how air bags can best protect passengers. Consumer groups are urging two-speed air bags that deploy more slowly in fender-benders, and the safety agency has been weighing the various proposals.

"We think we've proposed a way of depowering the bags that maximizes the safety quotient for children and frail adults, and we think that should be the goal," said Robert G. Liberatore, the head of the Chrysler Corporation's Washington office.

The Transportation Department is now prepared to support the auto makers' general approach, the experts said today, speaking on the condition of anonymity. On Friday, the agency plans to outline two possible approaches for how the speed of air bag deployment could be reduced, they said.

Current Federal law bars auto dealership workers and other mechanics from disconnecting air bags, a rule that the Transportation Department now intends to relax, safety experts said. While vehicle owners are already allowed to disconnect their own air bags, few drivers have the technical expertise to do so.

Officials were working on the details of the proposal tonight, but safety experts said substantive changes were unlikely. The least popular part of the safety agency's plan may be allowing auto owners to disconnect their air bags. Agency officials have said hundreds of vehicle owners have been seeking permission to have their air bags disconnected.

"That is a very bad idea because from a statistical viewpoint, you are much better off with an air bag than without, said Clarence M. Ditlow, the executive director for the Center for Auto Safety.

To save money, Mr. Ditlow said, auto makers favor simply slowing the deployment of air bags, which cost less than \$300 each, rather than producing them with two speeds. "The single-speed air bag," Mr. Ditlow said, "is cheaper -- maybe 10 to 20 bucks" less expensive than the two-speed version, which he favors.

Others said that the public fear of air bags is shortsighted.

"What's getting lost in the flurry of activity is that these systems have already shown their incredible payoff, and what we're looking at is a mid-course correction," said Joan B. Claybrook, the president of Public Citizen.

Ms. Claybrook and the safety agency are pushing auto makers to develop "smart seats" that would sense the size and weight of a vehicle occupant as well the severity of a crash, controlling the speed of an air bag's deployment accordingly.

Transportation Department figures show that air bags have killed 19 adult drivers, one adult passenger and 31 children up to the age of 9. Most of the adults killed were short women who were seated close to the steering wheel so they could reach the pedals. They were not wearing seat belts and were thrown

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forward just as the air bags were inflating at maximum speed.

Air bags have been designed to protect the average-size man, about 165 pounds and 5 foot 9 and not wearing a seat belt. To prevent as many injuries as possible, air bags must shoot out at speeds of up to about 200 miles an hour. The burst of an air bag can kill or severely injure babies in rear-facing child seats in the front seat as well as children and small adults who are improperly or not wearing seat belts and who can be thrown toward the deploying bags, often suffering neck injuries from the impact of bags that are designed for the average-size man.

To reduce the risk of injury from an air bag, most safety advocates now recommend that front seat occupants move the seats back as far as possible, provided that the driver can still reach the pedals comfortably.

The American Automobile Association also recommends that drivers hold a steering wheel at the 9-o'clock and 3-o'clock positions, instead of the common 10-2 position. The wider hand position reduces the risk that an air bag will catch the driver's wrists or forearms, possibly breaking them or driving them into the face or chest.

LANGUAGE: ENGLISH

LOAD-DATE: November 22, 1996



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Liability Becomes Issue in Air-Bag Debate --- ...

DOCUMENT 10 OF 19

J9632700003

Economy

Liability Becomes Issue in Air-Bag Debate

Dealers Are Loath to

Disconnect Safety Devices

By Asra Q. Nomani and Gabriella Stern

Staff Reporters of The Wall Street Journal

1264 Words

8379 Characters

11/22/96

The Wall Street Journal

A2

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WASHINGTON -- Today's the day federal regulators take a stab at making

* air bags safer -- but already it's looking like Washington's solutions may stir more controversy.

The National Highway Traffic Safety Administration is expected to propose, among other things, that car dealers and independent mechanics
* be allowed legally to disconnect air bags at the request of consumers. Yesterday, though, the National Automobile Dealers Association said it will tell its members to refuse any such requests.

"The question is liability. What if a dealer disables an air bag, the owner drives out of the lot and gets into an accident?" said Doug Greenhaus, director of environment, health and safety at the lobbying group. "Our story to NHTSA is: Don't do it."

The NHTSA plan also is expected to include proposals to reduce the
* force with which air bags inflate, mandate the development of advanced
* "smart" air bags, and require auto makers to post stronger warnings of potential air-bag dangers in vehicles. The agency, which has been under intense pressure by auto makers, insurers, safety advocates and families
* of people killed by air bags, is expected to seek public comment over 30 days before deciding whether to adopt the proposals.

* NHTSA has blamed air bags for the deaths of 30 children and 19 adults. While the interested parties have disagreed on exactly how to fix the problem, they agree on one thing: Wearing safety belts is the best way for auto occupants to protect themselves. In addition, children should ride in the back seat.

Here are answers to other consumer questions about this complicated issue:

- * Are air bags as much of a safety risk as some have suggested?
- * No. The government says air bags have saved 1,100 lives since 1989. Of the 30 children who were killed, nine were infants placed in rear-facing safety seats. Of the remaining 21 children, who were three to nine years old, 17 weren't wearing seat belts and the others weren't properly belted. Of the 19 adults killed, 10 weren't belted, seven were belted but sat close to the steering wheels. Accident reports on the remaining two didn't say whether they wore seat belts but did indicate they were sitting close to the steering wheel.

Who is at greatest risk?

Children under 12 and small adults -- especially when they aren't wearing seat belts. That's because unbelted occupants can move closer to the inflating air bag at crash impact, making them more susceptible to head and neck injuries from the bag itself.

What does "small" mean?

- Ten of the adults killed were women 5-foot-2-inches or shorter. Because short adults tend to sit closer to the wheel, they are more
- * vulnerable to the air bag's forceful inflation. Air bags were designed to perform well in federally mandated crash tests using dummies built to replicate a 5-foot-9, 165-pound male.

How can motorists minimize risks?

They should use safety belts, whether sitting in the front or the rear seat. Belts are required by law in the District of Columbia and all states but New Hampshire. But NHTSA estimates that 32% of people still don't use belts.

Drivers in air bag-equipped vehicles should sit as far from the steering wheel as is safely possible. Injuries are reduced for adults of all statures when there are 12 or more inches between the driver and the steering-wheel hub. Passengers should move their seats back as far as possible. If possible, short people should tilt their steering wheels away from their heads and toward their chests.

What about children?

Children 12 years and younger always should sit in the rear. If children must sit in the front, they should be belted and the seat should be moved as far back as possible. While some parents are reluctant to seat infants in the rear, experts say the risk of serious injury in a crash is too great if they are in the front. But if they must be in the front seat, infants should be secured in forward-facing safety seats, and the seats should be pushed back as far as possible. That way, the baby's head is that much farther from the air bag.

Will NHTSA's proposals work?

Not necessarily. Safety experts worry that reducing the inflation

- * power of air bags would help certain passengers but not significantly help others. Insurance-industry officials acknowledge that depowering
- * air bags would help two classes of passengers -- short adults and babies in rear-facing infant seats -- but they admit the regulatory change most likely wouldn't have saved the lives of most of the 30 children killed
- * by air bags, since most of them weren't properly belted.

The package also bets heavily on the difficult task of changing human behavior -- such as getting people to use their safety belts or put their kids in the back seat. Also, air-bag warning labels have had only mixed success in changing motorists' behavior in the past.

- * What about "smart" air bags?

Wide availability of these advanced devices is probably at least three to five years away. Under one scenario, auto makers would first introduce "dual inflating" bags, which would deploy less forcefully in slower-speed crashes and more forcefully in higher-speed crashes. Then

- * would come air bags that could adjust deployment force to the size and position of individual drivers and passengers.

- * Some auto makers such as Mercedes Benz already are using forms of smart air bags.

How will the auto makers respond to NHTSA's package?

- Probably with muted applause, since they helped put it together. Top NHTSA officials appear to be leaning toward adopting industry proposals
- * to change testing of air bags. And the car companies appear to have been
 - * successful in making sure any mandate for smart air bags doesn't kick in too quickly. Ultimately, they are certain to use the new technology as a marketing tool.

- But the auto makers aren't wild about allowing dealers and mechanics
- * to disconnect air bags. They worry that without extensive recordkeeping,
 - * crash victims will sue them even if the air bags were disconnected voluntarily.

What steps can short people take to reduce the risks?

Pedal extenders, often used by disabled motorists, are available to people who want to sit farther from a steering wheel with an air bag. Pedal extenders essentially are platforms that fasten to the brake and accelerator pedals.

The National Mobility Equipment Dealers Association says extenders are available through adaptive equipment dealers, who typically measure consumers to make sure the devices fit and then install them in vehicles. Pedal extenders can cost anywhere from \$75 to \$125.

Also available -- but only with a doctor's prescription -- are controls that attach to steering wheels and let motorists accelerate and brake with their hands. They can range from \$550 to \$850.

There are a few drawbacks: The National Mobility Equipment Dealers Association advises that motorists not attempt to install the devices themselves for safety reasons. The group notes that NHTSA hasn't tested such devices. Also, if a car is used by more than one person, pedal extenders could get in the way of taller drivers.

- * How could air bags pass regulatory muster and still pose so many risks?

Federal safety standards require that the bags inflate with enough force to protect unbelted, adult-sized crash dummies in crash tests. So

- * air bags were developed with enough force to do just that. Auto makers tried unsuccessfully to get regulators to use crash dummies strapped in with seat belts. In the meantime, more and more drivers and passengers have been buckling up, but government regulators have argued that too many people still refuse to wear seat belts.

I0607 * End of document.

LEVEL 1 - 15 OF 34 STORIES

Copyright 1996 The Washington Post
The Washington Post

November 23, 1996, Saturday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 775 words

HEADLINE: Proposal Would Permit Deactivation of Air Bags; Agency Also Backs
Slower Deployment Speed

BYLINE: Warren Brown, Washington Post Staff Writer

BODY:

The National Highway Traffic Safety Administration said yesterday that any vehicle owner who wants to deactivate air bags would be allowed to do so under proposed new rules intended to respond to public concern over injuries and deaths attributed to air bags.

The proposal, should it become a regulation, would have the effect of rendering voluntary the use of a safety device for which the government set requirements in 1991. Automakers still would have to follow those requirements -- to install driver and passenger air bags in all cars by next fall and in all trucks a year later, NHTSA Administrator Ricardo Martinez said.

The NHTSA will take public comments on the proposal over the next month before deciding whether it should be made a permanent rule. Some consumer and auto safety groups, such as the Center for Auto Safety in Washington, have vowed to oppose the plan.

"If you want to increase highway deaths and injuries, then go ahead and deactivate air bags," said Clarence Ditlow, executive director of the center.

U.S. automakers, warning the proposal could lead to more deaths and lawsuits, said they had reservations about the plan and would review it. The National Automobile Dealers Association earlier said it would oppose the plan, but yesterday said it would work with the NHTSA to resolve its concerns.

Other proposals the NHTSA offered yesterday would reduce the deployment speed of air bags, allow the installation of air bag cutoff switches in vehicles with no rear seats, require new warning labels in all cars and trucks and require the installation of "smart" air bags starting with 1999 models.

Air bags have saved more than 1,500 lives over the past decade. They have been blamed for the deaths of 51 people, including 31 children. In most of those cases, victims were unbelted or children were placed in the front seats of cars with air bags, the NHTSA said.

The rule on warning labels, scheduled to take effect in 90 days, would require labels on both sides of the driver's sun visor and on dashboards, as well as on child safety seats, warning that air bags can cause injuries and



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deaths under certain circumstances. The labels would warn passengers to wear seat belts and shoulder harnesses, to sit at a safe distance from the air bag and to put infants and small children in a rear seat.

The labels would be required until 1999, when the NHTSA expects automakers to begin installing the smart air bags.

Smart bags, some of which already are available in Mercedes-Benz and BMW cars, use seat sensors to measure passenger weight and to reduce air bag deployment speed for weight levels of a small adult or child. With current smart-bag technology, the passenger-side air bag will not deploy if no one is in the seat.

Martinez and representatives of Detroit's automakers said smart-bag technology is not yet reliable enough to allow its widespread installation.

That assertion was derided yesterday by Joan Claybrook, president of Public Citizen, a Washington-based consumer group, and a former administrator of the NHTSA, who said the technology has been delayed only because Detroit automakers chose not to develop it earlier.

Until smart bags become available under the NHTSA's proposed schedule, Claybrook said she would support the agency's proposal to reduce air bag deployment speeds by 20 percent to 35 percent.

When air bags were designed, it was assumed that the average car driver was a man weighing 165 pounds and was 5-feet, 9-inches tall. It was also assumed that the vast majority drove unbelted and did not place children in the front seats. Thus, systems were engineered to deploy at speeds of up to 200 miles per hour, enough to injure or kill a small person or a child who is sitting too close to the bag.

Today, it is just as likely that a driver is a woman as a man and that he or she is chauffeuring children. In addition, most people -- about 67 percent, according to the NHTSA -- now wear seat belts, which are the primary crash-protection devices in cars and trucks.

Should it take effect, the proposal to allow owners to deactivate air bags would liberalize a rule that now allows deactivation only on a case-by-case basis, usually because of physical disabilities. But even if the proposal is adopted, "We strongly believe that very few people should take this action," Martinez said, because the chances of dying in a car with deactivated air bags would be greater than those of dying in a car with air bags in working order.

"You can greatly reduce the risk of air bag injury by being buckled and sitting back from the air bag," he said.

GRAPHIC: Illustration, The Washington Post, THE AIR BAG PROPOSALS Here is what the National Highway Traffic Safety Administration says it wants to do to improve the safety of air bags: Support the research and development of "smart" air bags, which ideally would deploy at different speeds depending on passenger weight. Target for getting those systems into new cars and trucks: fall 1998 (for 1999 model vehicles). Require automakers, within 90 days, to begin putting



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labels in new cars and trucks warning that air bags can injure or kill children and small adults under certain circumstances. Require automakers to reduce the deployment speeds of air bags by 20 percent to 35 percent. Air bags can now deploy at up to 200 mph. In two-seat cars only, allow on-off air bag switches on the passenger side of dashboards. No on-off switch installations would be allowed after 1999, when, presumably, "smart" air bags would be available. Allow dealers or other authorized auto technicians to deactivate the air bags of any vehicle owner who requests it.

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LEVEL 1 - 14 OF 34 STORIES

Copyright 1996 The New York Times Company
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November 23, 1996, Saturday, Late Edition - Final

SECTION: Section 1; Page 1; Column 3; National Desk

LENGTH: 1026 words

HEADLINE: U.S. AGENCY PLANS TO REDUCE DANGER POSED BY AIR BAGS

BYLINE: By ROBYN MEREDITH

DATELINE: WASHINGTON, Nov. 22

BODY:

The Department of Transportation said today that it would try to require auto makers to install new, more advanced air bags within two years as part of a package of steps to reduce the danger the safety devices posed to children and small adults.

The actions today by the National Highway Traffic Safety Administration, a Transportation Department agency, reflect an acceptance by Government officials that air bags, which were widely viewed in the 1980's as a panacea to automobile safety problems, carry some dangers of their own.

As expected, the agency said today that it would try to require slower-inflating air bags and to allow mechanics and automobile dealers to deactivate the devices if customers demanded it. It will also extend, probably until late in the year 2000, its policy permitting auto makers to install switches that allow drivers to deactivate the devices temporarily in vehicles without back seats. And it will require flashier warning labels.

But the agency went beyond these short- and intermediate-term steps to announce plans to require auto makers and their suppliers to develop "smart" air bags and install them in new cars and trucks sold in 1998. The new safety devices would rely on better technology to determine automatically whether to inflate on the basis of crash circumstances and the size of the passengers.

"This is the next quantum leap in frontal crash protection," said Ricardo Martinez, administrator of the safety agency.

Air bags inflate explosively -- at speeds of up to 200 miles an hour -- in the event of a crash to provide a protective cushion for front-seat riders. Their force has killed 51 people since 1991, most of whom were not wearing seat belts and most of them children less than 10 years old. They have also saved about 1,600 lives. Federal officials were eager to emphasize that over all, cars and trucks with air bags are safer in crashes.

The number of air bags has been rising steeply in recent years, partly because they have become more popular. Federal law requires all cars in the 1998 model year to come equipped with two front-seat air bags. The requirement will



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The New York Times, November 23, 1996

be extended the next year to mini-vans, sport utility vehicles and pickups.

"There is much discussion about air bags and the public understandably is much concerned and confused about air bags," Mr. Martinez said. "Now here is the bottom line: everyone agrees that air bags enhance safety but must be improved -- improving their performance to minimize the risk to children and some adults."

The debate over how best to protect people involved in crashes in the near term involves a number of trade-offs, because air-bag standards that save some lives may endanger others. Until today, safety agency rules effectively favored protecting medium-size people who were not wearing seat belts. Air bags are tested for their value in protecting 164-pound, unbelted dummies that are regarded as the equivalent of an average-sized man.

The new rules set a fresh course: they better protect children and smaller adults, as well as those wearing seat belts. But at the same time, the altered air bags are more likely to leave larger, unbelted occupants unprotected.

Today the safety agency outlined its new approach to regulating air bags. In all cases, the agency will make the final decision. But some of the proposals still require public hearings while others have already passed that stage.

Auto makers hailed the new proposals but with some caution. But they said they had some concerns about whether they could meet the ambitious timetables for smart air bags laid out by the agency.

Barry Felrice, director of regulatory affairs for the American Automobile Manufacturers Association, said, "Over all, I think we are speaking the same language." While the Government's goals for smart bags are a technological challenge, he said, the industry plans to do its best to develop them within two years.

Consumer groups said they were pleased by the safety agency's move, but wondered why it took so long. "The actions are long overdue and we should begin a process for improving air bag design," said Joan B. Claybrook, president of Public Citizen, the consumer advocacy group.

But she said that one of the proposals, allowing people to have the safety devices shut off, sent the wrong message about safety. "We are not in favor of disconnecting air bags," said Ms. Claybrook.

Auto makers, Government officials and consumer advocates agree that the best way to avoid being hurt by an air bag is to wear a seat belt. The safety agency said it would redouble its efforts to urge everyone to wear seat belts, noting that 40 percent of children under 12 were not buckled up. "It is unimaginable to me that we have so many children unrestrained in this country," said Mr. Martinez.

Safety officials also emphasize that even children in seat belts or safety seats should be in rear seats.

The most ambitious of the proposals announced today was for the so-called "smart air bags," which are not yet on the market. The agency is calling for auto makers, within two years, to begin installing advanced air bags that deploy

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The New York Times, November 23, 1996

differently, depending on the weight of the person they are protecting -- or even that keep the devices from deploying when they are likely to endanger occupants. The proposal calls for the first smart air bags to be mandated in 1999-model cars and trucks, which are expected to reach showrooms during the fall of 1998.

The smart air bag requirements are likely to add up to a few hundred dollars to the cost of new vehicles, said Mr. Felrice, whose group represents the nation's Big Three auto makers, General Motors, Chrysler and the Ford Motor Company.

The agency said today that by early next year, it would formally propose new rules, which would call for public comment on three definitions of smart air bags. The agency will also decide how quickly the smart air bag rules will be phased in.

Smart air bags are not yet commercially available, but the Government plans in the meantime to require auto makers to slow the rate at which air bags inflate by 20 to 35 percent.

GRAPHIC: Diagram: "KEEPING TRACK: Developing Smarter Air Bags"

The advanced safety technology mandated yesterday would use multiple sensors within cars to collect information about the occupants. Companies envision entire "smart systems," which would be able to predict the severity of a crash before it happens.

UNLTRASOUND SENSORS

The sensors transmit sound waves to determine the size and position of the occupant relative to the air bag. If it is a child in a seat, they can tell which way the child is facing.

DUAL-STAGE AIR BAGS

Could inflate in stages depending on the severity of the crash and whether the occupant is wearing a seat belt.

ELECTRIC FIELD

Flexible antennae in the seat create an electric field; the antennae measure the interference with that field to gather information about the occupant and whether to inflate the air bag.

PRETIGHTENING SEAT BELTS

Sensor in the front of the car would tell seat belts to tighten before impact. (Source: TRW Inc., Siemens Automotive Inc.) (pg. 9)

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Air-Bag Group Clarifies Position on Safety Seats

DOCUMENT 9 OF 19

J9633000055

Air-Bag Group Clarifies

Position on Safety Seats

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11/25/96

The Wall Street Journal

A4

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WASHINGTON -- The Air Bag Safety Campaign amplified its position on

* air bags and child-safety seats, saying infants who weigh 20 pounds or less should always be placed in rear-facing safety seats and never

* should be seated in the front of vehicles with passenger-side air bags.

For babies who weigh more than 20 pounds, while the back seat is always preferable, if they must be in the front seat they should be placed in forward-facing safety seats and the seats should be pushed back as far as possible.

The group, a Washington-based coalition of auto makers, insurance companies, air-bag manufacturers and others, was elaborating on press material that made no distinction based on weight.

The group reiterated that all children ages 12 and under are always safer in the rear seats, and should always wear seat belts.

I0607 * End of document.

LEVEL 1 - 13 OF 34 STORIES

Copyright 1996 The Washington Post
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November 24, 1996, Sunday, Final Edition

SECTION: OUTLOOK; Pg. C04

LENGTH: 916 words

HEADLINE: VERBATIM: A Warning on Air Bags; GM's 1969 Presentation Pointed Out Dangers for Children

BODY:

Air bags have been credited with saving more than 1,100 lives. By 1998 they will be mandatory equipment in new cars. But they also have been blamed for 51 deaths, including 31 children. Regulators are considering modifications to prevent injuries to children and shorter adults.

Air bag advocates and car manufacturers carried on years of debate, primarily in the 1980s, about the effectiveness of such devices before regulators decided to require their installation. Twenty-seven six years ago, at an August 1969 conference sponsored by the federal government, the General Motors Corp. questioned the safety for children of an "inflatable occupant restraint system." Here are excerpts from the GM presentation, which was obtained by Washington Post reporter Cindy Skrzycki:

INTRODUCTION

General Motors welcomes this opportunity to discuss the possibilities of a totally passive restraint system for passenger cars. It is a topic of intense interest to us. The reasons, of course, are obvious -- a passive system holds promise of providing increased occupant protection particularly in frontal impacts, and it might eliminate at least some of the belts in today's vehicles.

General Motors has been exploring various types of passive restraint systems for many years. These systems are of two types: (1) the non-actuating type such as a stationary panel of special configuration where no component need be actuated in an impact situation for the system to provide occupant protection, and (2) the actuating type such as the inflatable cushion where some actuation must take place before the system can perform its occupant protection function.

While the inflatable air cushion is an intriguing restraint device, we know of no reliable data from which to estimate the potential benefit of the air cushion in terms of lives saved and reduction of injuries. Also, it poses many engineering challenges. The major concerns over the air cushion center around two factors: one, dependability of operation -- particularly after extended exposure to the varied and often severe conditions of vehicle use; and two, attainable performance.

DYNAMIC TESTS



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The first test shows a 95th percentile anthropomorphic dummy [one representing a person of relatively large size] restrained with a lap belt. [A film is shown of the crash.] A head severity index of 284 was recorded. A severity index of 1,000 or more is generally considered to produce fatal injuries.

The next test is identical to the one just shown, except the 95th percentile dummy is not lap belted [film shown]. The head severity index was recorded as 180.

A 50th percentile dummy with a lap belt is shown next. The head severity index was 550.

Next, the same dummy without a lap belt. The head severity index was 475, but note that the lower torso moves onto the leading edge of the seat cushion [film shown]. It is apparent that the dummy came close to sliding off the seat.

The next sequence shows a 5th percentile female dummy with a lap belt [film shown]. The head severity index was 450.

This next test is identical to the one shown, except the dummy is not lap belted. While the head severity index was recorded as 930, note that the dummy tends to slide under the inflated air cushion causing the back to flex on the seat cushion. There are no known test procedures to determine the injury levels encountered in this situation. Because of the dummy action, we believe that an inflatable air cushion at its present state of development does not provide a completely passive restraint.

OCCUPANTS OUT OF

NORMAL SEATING POSITION

The air cushion deployment must be extremely rapid to provide the necessary protection in the available time interval. Therefore, passengers in vehicles who may be out of normal seated positions or have limbs extended may be struck by the air cushion when it deploys. We need to know whether these blows would prove to be more frightening than damaging. However, a small child close to an instrument panel from which an air cushion is deployed may, in our present estimation, be severely injured or even killed. The motion pictures we will show you now illustrate the nature of this problem (show film). The head severity index reading from each test was over 2,900 when the air cushion strikes the child. As pointed out earlier, a reading of 1,000 or more is generally considered to produce fatal injuries.

SUMMARY

We have attempted to outline some major areas which must be given strong consideration in developing any standard specifying performance requirements for such systems.

In summary, General Motors has progressed far enough in its development work to conclude that an inflatable air cushion which will provide increased impact protection is feasible in concept. At the present state of development, the lap belt would still be necessary for the system to function optimally. However the

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air cushion requires substantial additional research and developmental effort before such a system could be considered for mass manufacturing and installation in production vehicles.

As we said at the outset, we believe that a totally passive restraint system offers the greatest promise for increased occupant protection and a reduction in deaths and injuries in highway accidents. For this reason our work on the inflatable air cushion, as well as other approaches to passive occupant restraint systems, will continue at an accelerated pace.

GRAPHIC: Illustration

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LEVEL 1 - 12 OF 34 STORIES

Copyright 1996 The New York Times Company
The New York Times

November 24, 1996, Sunday, Late Edition - Final

SECTION: Section 1; Page 27; Column 1; National Desk

LENGTH: 607 words

HEADLINE: Hundreds Call Government Phone Line to Ask About Air Bags

BYLINE: By ROBYN MEREDITH

DATELINE: WASHINGTON, Nov. 23

BODY:

As more people have grown concerned about whether the air bags designed to keep them safe in a car crash could accidentally kill them, the Department of Transportation has been flooded with phone calls from people seeking safety advice.

A toll-free telephone line that gives safety tips about air bags has been receiving more than 500 calls daily, a spokesman for the National Highway Traffic Safety Administration, Timothy Hurd, said today.

The safety agency is telling people that they can best protect themselves in a crash by wearing seat belts, sitting as far back from the dashboard as is comfortable and driving with their hands at the 9 o'clock and 3 o'clock positions on the steering wheel. Children under 13 are best protected when they are sitting in the back seat, the agency says, and child seats should never be placed in the front seat.

Air bags do save lives -- about 1,600 so far. But the safety agency and the public have grown concerned because air bags have also killed 51 people since 1991, most of whom were not wearing seat belts and most of them children younger than 10 or shorter women. The safety devices can be dangerous because they shoot out quickly -- at up to 200 miles per hour -- from steering wheels or the dashboard to protect front seat occupants in a crash.

On Friday, the safety agency outlined a series of steps it plans to take to make air bags safer and to quickly make the public more aware of their dangers. The agency said it would seek to require more sophisticated air bags within two years, to mandate slower-inflating air bags within a year and to allow mechanics to deactivate the devices. It also plans to extend its policy permitting auto makers to install switches that allow drivers to turn off air bags temporarily in vehicles without back seats, and it will require that new cars and trucks have flashier warning labels.

"Everyone agrees that air bags enhance safety," said Dr. Ricardo Martinez, administrator of the safety agency. "But we have to improve the performance to minimize the risk to children and some adults."



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The New York Times, November 24, 1996

One decision that car owners will soon face is whether to ask a mechanic to disconnect the air bags.

Safety experts, Government officials and automobile industry executives concur that this would be a bad idea for nearly everyone.

"We know that air bags provide a net benefit," said Robert C. Lange, the director of vehicle development methodology and laboratories for the General Motors Corporation. "We are very concerned about people making the wrong decision."

Dr. Martinez agreed. "We strongly believe that very few people should take this action because the benefits for most occupants will outweigh the potential hazards," he said.

Kathleen E. Jones, 26, survived a horrible crash one afternoon this August. She credited the air bag in her bright red 1991 Mercury Capri with saving her life after a man driving toward her swerved into her lane. When they hit head-on, each was traveling about 55 m.p.h., she said.

"I felt my seat belt pin me to my seat, and my air bag exploded," said Ms. Jones, who still walks on crutches as a result of the crash. "I was just so thrilled when I opened my eyes after impact and I was alive."

The driver who hit her was not so fortunate. "The man that hit me was not wearing a seat belt and did not have an air bag, and he died horribly at the scene," Ms. Jones said.

Those who would like to learn more about auto safety from the National Highway Traffic Safety Administration may call (800) 424-9393 on weekdays. Information is also available on the agency's Internet site:
<http://www.nhtsa.dot.gov>.

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U.S. Plan to Let Motorists Disconnect Air Bags ...

DOCUMENT 8 OF 19

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U.S. Plan to Let Motorists Disconnect

* Air Bags May Inflate Insurance Rates

By Asra Q. Nomani

Staff Reporter of The Wall Street Journal

708 Words

5405 Characters

11/25/96

The Wall Street Journal

A4

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WASHINGTON -- The government's proposal to let consumers disconnect

- * automobile air bags could lead to higher insurance rates, and many
- * drivers who turn their air bags off would lose their insurance discounts for the safety devices.

Concerns about insurance rates were raised as the National Highway Traffic Safety Administration announced a long-awaited five-part package

- * of regulatory changes to calm consumers' fears over air bags.

Along with allowing car dealers and independent mechanics to

- * disconnect air bags, the government plan would require tougher, more visible warning labels. It ultimately would reduce the power with which
- * air bags inflate; phase in "smart" air-bag systems that can adjust for an occupant's size and posture beginning with the 1999 model year; and extend its policy of allowing cutoff switches in trucks without back seats, probably until 2000. The safety agency's proposal calls for 30 days debate on the rule changes.

The safety devices, a government-mandated technology that will be in all passenger vehicles by 1998, have been linked to the deaths of 30 children and 19 adults, most of whom weren't wearing seat belts or were sitting close to the dashboard. The safety agency's plan was accepted warmly, for the most part, by Chrysler Corp., General Motors Corp. and

- * Ford Motor Co., which have been trying to restore confidence in air
- * bags.

Insurers, however, cautioned that motorists could end up paying higher insurance fees. In addition to preventing deaths, industry

- * officials say air bags are responsible for sharply reducing crash injuries.

Auto dealers, independent mechanics, consumer advocates, safety experts and other interest groups also expressed concerns about allowing

- * air bags to be disconnected. Instead, they argued, consumers could best
- * reduce their risks from air bags, which inflate rapidly with a powerful

force, by changing driving habits, such as sitting at least 12 inches from the hub of the steering wheel and seating children in the back seat. Federal law prohibits dealers and independent mechanics from tampering with any mandated safety device.

The Automotive Service Association, which represents independent mechanics, advised its members to refuse requests by consumers. "They could lend the car to a neighbor. Something happens to them, and we are liable," said association official Steve McDonald. The National American Automobile Dealers Association has already told its members the same thing.

Insurance-industry officials said that while disconnecting an air bag probably wouldn't affect coverage because the insurer had already agreed to the terms of the insurance contract, a motorist's premium could rise if, in an accident, the absence of the air bag resulted in greater medical costs. In addition, overall rates "could go up for policyholders * if people turn air bags off" and the industry faces higher costs, said Steven Goldstein, vice president of the Insurance Information Institute, a trade group, which represents major insurers such as State Farm Group, the nation's biggest car insurer with a quarter of the U.S. market, and Allstate Corp., the No. 2 car insurer.

Joe Groner, a spokesman for Allstate, based in Northbrook, Ill., said that in "the short-run, disconnecting would certainly affect somebody's rate. They would lose the discount." Most insurance companies give consumers a 20% discount for vehicles with a driver-side air bag and a * 30% discount for vehicles with dual air bags. That could amount to as much as \$50 a year.

But at State Farm, based in Bloomington, Ill., spokesman Steve Witmer said it would be a "monumental task to keep track of whether people have * disconnected their air bags. We believe the [administrative] cost would be greater than the benefit" of collecting more money from those who disconnect. Nevertheless, he said the proposed rule change "has big-picture implications" for State Farm. "If our claim experience * changes because large numbers of people disconnect their air bags," rate increases would be sought from state insurance regulators.

Carol Baskin, a San Antonio magazine editor, said she would turn her air bag off even if her insurance rates rose. The five-feet-tall editor says she is worried because most of the adults who died of air-bag injuries have been short women sitting within a few inches of the dashboard. "I won't mind paying more for insurance if I avoided being brain dead from an air bag," she said.

Leslie Scism contributed to this article.

I0607 * End of document.

LEVEL 1 - 7 OF 34 STORIES

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The New York Times

November 28, 1996, Thursday, Late Edition - Final

SECTION: Section A; Page 15; Column 1; National Desk

LENGTH: 797 words

HEADLINE: Baby's Death Raises Level Of Concern On Air Bags

BYLINE: By ERNEST TOLLERSON

BODY:

As teams organized by the federally sanctioned Air Bag Safety Campaign distributed leaflets yesterday to motorists at highway rest stops, the National Highway Traffic Safety Administration dispatched an investigator to Boise, Idaho, to investigate the decapitation of a 1-year-old girl by a front-seat air bag in a low-speed accident on Tuesday night.

The authorities in Boise have not been able to determine whether the child seat in which the victim, Alexandra Greer, was riding was strapped to the passenger seat of the Volkswagen Jetta, Lieut. Tim Rosenvall of the Boise Police Department said yesterday. The police, he said, expect to interview the parties involved in the accident over the next several days, including the victim's mother, Rebecca Blackman, 21, who was driving the car.

In Washington, the Federal highway safety agency hired a California-based contractor to fly to Boise and "learn about the accident," said Timothy Hurd, an agency spokesman. Mr. Hurd and traffic safety experts declined to discuss the Boise accident, saying the facts remained sketchy and its implications, if any, in the debate over air-bag safety were unclear. But all said the toddler's death carried one unmistakable message.

"The overall advice for people -- children under 12 should be in the backseat," Mr. Hurd said. "That's the safest place for everybody."

Janet Dewey, executive director of the Air Bag Safety Campaign, said the safety teams would also distribute literature on Sunday that would deliver a basic A.B.C.'s message, "Air bag safety means: Buckle everyone! Children in back!"

The Boise accident occurred just four days after the Federal agency made a series of moves intended to make future generations of air bags safer and to raise public awareness of the dangers of air bags.

On Friday, the agency announced that it would try to require automobile makers to install more advanced air bags within two years as part of a program to reduce the danger the devices pose for children and small adults. The agency also proposed requiring slower-inflating air bags within a year.

The Federal agency, a unit of the Department of Transportation, also said it



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The New York Times, November 28, 1996

planned to extend its policy of permitting auto makers to install switches that let drivers disable air bags in vehicles without back seats. The agency also wants to require new cars and trucks to have warning labels that are easier for motorists to see inside vehicles.

While the National Transportation Safety Board endorsed the highway agency's proposed new rules for the design of air bags and the push for better warning labels, the board nevertheless expressed some disappointment last week.

"While I am pleased the N.H.T.S.A. has taken necessary action on air-bag warning labels, I am disappointed the the N.H.T.S.A. did not reach a conclusion on how it intends to revise air-bag test procedures," Jim Hall, chairman of the safety board, said on Friday. "As a result, it could be close to a year before any changes are made to the air bags in cars being built for the American public. Meanwhile we add another one million vehicles each month with air-bag technology that is not safe for everybody."

In November of last year, the safety board recommended that auto makers send letters to car owners warning them about the dangers of air bags to children, said Elaine Weinstein, chief of the board's safety studies division. Those letters, she said, should be going out later this week and next week -- "a year later" -- and after 19 fatalities in 1996 involving children.

An effort to reach the agencies last night for comment on the delay was unsuccessful.

Joan Claybrook, a transportation official in the Carter Administration and president of the Public Citizen, the public-interest group, said every state in the nation has had a law requiring the use of child restraint devices like car seats since 1984. But, she said, for infants to ride safely, even in a child car seat, they must be in the back seat.

She said the nine fatalities involving babies in infant seats indicated that "there is no way to protect them in an air-bag-equipped car: You must put them in the back seat."

Ms. Claybrook was adamant in stating that children under 12 should ride in the back seat at all times. But she offered two recommendations for adults who make an exception for some reason and permit a child under 12 to ride in the front passenger seat of a car equipped with air bags.

She said that they should be wearing a seat belt, and that the passenger seat should be positioned as far away from the dashboard as possible. "With a toddler," she said, "they should not be injured if they're properly restrained in a toddler seat, and the automobile seat is in its most rearward position."

LANGUAGE: ENGLISH

LOAD-DATE: November 28, 1996



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Autos: New Campaign Aims to Save Air Bags' ...

DOCUMENT 6 OF 19

J9633400102

Autos:

New Campaign

Aims to Save

* Air Bags' Image

By Asra Q. Nomani and Gabriella Stern

Staff Reporters of The Wall Street Journal

1152 Words

8315 Characters

11/29/96

The Wall Street Journal

B1

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Auto makers and insurers are scrambling to save the deflated

* reputation of air bags.

Awash in negative publicity about the dangers of the safety devices, the auto and insurance industries have shelled out \$10 million for the Air Bag Safety Campaign, swinging into full gear as families hit the road for the holidays. The objectives are to give motorists information

* that could prevent deaths and injuries related to air bags and to damp consumer worries about the devices.

The slogan is childishly simple: "Remember the A-B-C Message -- Air bag safety means: Buckle everyone! Children in back!" But the campaign is a sophisticated product of the Washington, D.C., public-relations firm, Greer, Margolis, Mitchell, Burns & Associates, with the help of Public Opinion Strategies, a Washington polling firm, and the American Automobile Manufacturers Association, lobbying group for Detroit's Big Three auto makers. Car companies alone are kicking in \$5.6 million.

"While there are advantages from a business perspective for all the funders, it's also an important safety message," says Janet Dewey, the campaign's executive director.

* Air bags, which inflate in head-on crashes, are in about 54 million cars and trucks. They have saved more than 1,500 lives since 1989, federal safety regulators say. But they also have killed at least 31 children and 20 adults since 1990; just this week, a one-year-old child died in a particularly gruesome accident involving an air bag in Boise, Idaho. In most of the air-bag related fatalities victims weren't wearing

* seat belts. One of the campaign's key messages is that air bags are an effective safety device if used properly, with seat belts.

Upon news of the infant's death Tuesday, the campaign immediately contacted the Boise media to discuss how to prevent such accidents and

offered to make Ms. Dewey available for interviews. A number of groups such as the American Automobile Association and the National Safety Council were already lined up to distribute the campaign's air-bag safety materials at Idaho highway rest stops over the Thanksgiving holiday.

Such "teachable moments," as campaign officials call them, offer * opportunities to quell worries about air bags while showing how tragedies can be avoided. For instance, Boise authorities say the child's forward-facing safety seat was not secured to the front seat of the car. "It's a tricky thing," one campaign official says, with emotions running high.

Among the campaign's other tactics: Tap Clinton administration contacts -- Greer Margolis has also represented the Democratic National Committee and the AFL-CIO -- to get the president to deliver the message in his weekly radio address (that hasn't happened yet); get a mention in the syndicated newspaper column of author and pediatrician T. Berry Brazelton (he recently included a warning letter about air-bag safety in his column); and get television's "Live with Regis & Kathie Lee" to * include a segment on air bags (campaign officials are working on it).

Campaign officials considered and rejected the use of a mascot, "Andy * Air Bag," fearing that children might view air bags as their friends and want to sit close to them. Regulators say children 12 years old and * younger are safest sitting in the rear seats, where there are no air * bags.

The campaign is supporting lobbying for stronger state safety-belt and child-seat laws and tougher enforcement of existing laws. Campaign officials also are concerned about federal regulators' pending proposal * to make it legal for mechanics to disconnect air bags. The group will make sure consumers know "there are big downsides to disconnecting before they make that decision," Ms. Dewey says.

To be sure, no one's certain how well the safety campaign will work. Similar efforts in the mid-1980s helped boost safety-belt use, but about 33% of car occupants still don't wear belts despite laws in all states but New Hampshire that require them to do so.

"There's no such thing as a silver bullet in the safety business," says Helen Petrauskas, vice president of environmental and safety engineering at Ford Motor Co., which has contributed over \$750,000 to the campaign. But, she adds, "I believe when it's a question of safety, you really can get people to change."

The effort was launched after the National Transportation Safety Board, which investigates crashes, recommended in fall 1995 that auto * makers send consumers letters warning about the dangers of air bags. Stephen O'Toole, a General Motors Corp. lobbyist in Washington, argued against sending letters because, he said, most people just ignore them. He contended the industry could reach more people with a more comprehensive effort. GM is the campaign's biggest contributor, at \$4.3

million.

Auto and insurance-company employees have been doing much of the legwork with local safety groups and the media. To broaden the campaign's appeal, Greer Margolis has been recruiting corporations, trade groups and organizations like the American Academy of Family Physicians.

Procter & Gamble Co. agreed to send safety literature to 40,000 employees, the campaign says, while Pennzoil Corp.'s Jiffy Lube unit and Abbott Laboratories said they would send fliers to customers. The campaign enlisted Cosco Inc. and Century Products Inc., makers of auto-safety seats, to include air-bag literature in boxes with products.

Air-bag makers are contributing \$500,000 to the campaign through their trade organization, the Automotive Occupant Restraint Council -- much less than the auto makers and insurers. A spokesman for TRW Inc., * one of the largest manufacturers of air bags and seat belts, says it's a question of "how much is needed" for education. He thinks the public has been saturated by coverage of air-bag issues and says TRW and other air-bag makers aren't worried that public anxiety will destroy the air-bag market, because "even critics avow that they save lives."

A few organizations have rebuffed the overtures. "We saw it as the automobile industry knowing they had a public-relations disaster," says Charles Meeks, executive director of the National Sheriffs Association, which the coalition asked to set up seat-belt checkpoints. "They got a PR firm that they paid thousands of dollars to go ask the sheriffs of the United States to get behind them. Well, the sheriffs are busy."

Campaign officials bristle at the suggestion that they're mainly concerned about public relations, although they've earmarked \$4.5 million for "public education." The campaign has limited advertising to drive-time radio ads while pushing hard for news coverage. Such "earned media" can reach more people than ads, Ms. Dewey says.

Soon, the coalition plans to publicize testimonials from people who * have survived crashes because of inflating air bags, although they've decided against holding a news conference. "There's only so many times we can demand -- I mean ask for -- news coverage," Ms. Dewey says.

Buckle Up

Top contributors to the Air Bag Safety Campaign

CONTRIBUTOR	AMOUNT (millions)
General Motors	\$4.30
Nationwide Insurance	1.00
State Farm Insurance	1.00
Ford	0.75

Source: Wall Street Journal, November 29, 1996

N

Allstate Insurance	0.67	
Auto Occupant Restraint Council		0.50
Chrysler	0.43	
Takata	0.30	
Honda North America		0.16

Source: Air Bag Safety Campaign

I0607 * End of document.

LEVEL 1 - 5 OF 34 STORIES

Copyright 1996 The Washington Post
The Washington Post

December 01, 1996, Sunday, Final Edition

SECTION: OP-ED; Pg. C07

LENGTH: 658 words

HEADLINE: . . . And the Dangers of Disconnecting

BYLINE: Brian O'Neill

BODY:

After weeks of intense media coverage of the risks of serious injury from inflating air bags, the federal government is proposing to allow repair shops to disconnect bags if car owners want this done. Now that motorists' fears about air bags have been stoked, many are asking, "Should I get my air bag disconnected?"

The decision should be made with more rationality than passion. This doesn't mean discounting air bag risks. But it does mean getting beyond the panic about air bag inflation injuries and deaths and figuring out whether it really makes sense to disconnect the bags in your car.

Start with the fact that air bag inflation deaths aren't happening randomly to unlucky people. Almost all of them involve people who weren't using their belts, were using them incorrectly, or weren't positioned properly in the vehicle. Before deciding to get your air bag disconnected, understand that the risk of an inflation injury to people positioned correctly and using their belts is close to zero, while the potential benefit from air bags in serious crashes is large.

For infants and young children, eliminating the air bag risk means riding properly restrained in the back seat, where it's safer than the front and where youngsters are clear of inflating air bags. Rear-facing infant restraints should never be put in front of an air bag. Older children are better off in the back seat, too. There's no risk in front if the seat is all the way back, if the kids are using belts and if they're sitting back in their seat. But as all parents know, kids often don't sit still. They like to wriggle around and, for example, fiddle with the radio dials. Then they can be at risk.

So should parents ever consider disconnecting a passenger air bag? Only rarely -- for example, when infants have medical problems that demand frequent observation, and the driver is the only adult in the car. Then the baby would need to ride in the front seat, and if there's a passenger air bag, there's a risk. (At the same time, parents should realize that paying attention to an infant is a distraction from driving and involves its own risks.) A baby who needs watching is precisely the circumstance for which the air bag disconnect option has been proposed. Only in such rare cases does it make sense to disconnect.



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But what about very short drivers? Should they disconnect their air bags? Don't rush into it. Amy Olyniec, a 4'7" college student in Cedarburg, Wis., says she got scared after reading an article about air bags harming short women. "Oh, my God," she thought, "what if my air bag ever goes off?" She was going to try to get it disconnected, but just two days after reading the article, she was in a serious crash in which the air bag protected her. Without it, "if I hadn't gone through the windshield, I would at least have smashed into the steering wheel very, very hard," she said.

Amy is short. Still, the air bag kept her from injury. Most short drivers can get far enough away from the wheel -- 10 or 12 inches is enough -- and still reach the pedals. If not, pedal extenders should be considered, because sitting so close to the wheel, with or without an air bag, puts drivers at high risk. Only if there's no practical way for a driver to get back from the wheel should disconnecting an air bag be considered.

The dilemma about whether to disconnect isn't going to be with us forever. Technology will provide solutions. So-called "smart" air bags will detect occupant characteristics and crash severity, tailoring deployment for optimal protection. In the meantime, buckle up, move back from the steering wheel and get kids buckled up in the back seat. And remember that air bags, despite their recent bad press, are doing a good job of preventing deaths and serious injuries in crashes. If an air bag is disconnected, it can't protect you.

The writer is president of the Insurance Institute for Highway Safety.

LANGUAGE: ENGLISH

LOAD-DATE: December 01, 1996



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LEVEL 1 - 4 OF 34 STORIES

Copyright 1996 The Washington Post
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December 01, 1996, Sunday, Final Edition

SECTION: OP-ED; Pg. C07

LENGTH: 1049 words

HEADLINE: The Auto Industry, the Air Bag . . .

BYLINE: Joan Claybrook

BODY:

In 1983 the U.S. Supreme Court said: "For nearly a decade the automobile industry waged the regulatory equivalent of war against the air bag and lost. . ."

Now, in the face of hard evidence about inadequate air bag designs in a number of car models, the industry is waging war against advocates who pushed it for 20 years to install these technological vaccines that already have saved more than 1,500 lives. Through misleading and inaccurate handouts distributed to selected reporters, U.S. auto representatives are trying to shift responsibility from themselves for harm occurring in low-speed crashes to mostly unrestrained children and small adults. Unfortunately, The Post has accepted and reprinted some of this misleading and inaccurate information.

The auto companies have known for 20 years that unrestrained children positioned next to the opening of the air bag when it inflates could be harmed, as is shown in The Post's "Verbatim" article of Nov. 24 ["A Warning on Air Bags"]. This article quotes General Motors' 1969 testimony raising the issue.

What it does not mention, however, is that the following year GM had overcome its reservations and announced it would voluntarily make air bags available on all its cars by the 1975 model year. GM eventually produced dual-inflation system air bags (less power in low-speed crashes and more in high-speed), which were sold to the public in more than 10,000 cars between 1974 and 1976. These highly successful air bags inflated in more than 200 crashes involving more than 300 people, including 15 children sitting in front seats. GM did not feel it necessary to offer warnings on the danger to children posed by these bags, and indeed no child was killed or seriously injured by them.

The Post, in a front-page article on Nov. 21, ["U.S. Doubts on Air Bags Date to '69"] published factually incorrect information, misquoting statements I made in 1979, when I was national highway traffic safety administrator. For example: "Claybrook said on Oct. 2, 1979, that GM's evidence of potential child injury from air bags is 'fragmentary and speculative.' Even if there were child injuries, 'the trade-off in terms of saving thousands of lives clearly outweighs these extraordinary and infrequent risks,' Claybrook told the media then."

But the words I spoke about risks concerned safety belts, not air bags, as my printed statement clearly shows. Those words were prefaced by these: "Nearly



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every automotive system has some element of risk, and some limitations on its effectiveness. Safety belts, for example, are acknowledged to be superior crash protection devices, but their use occasionally results in injury from forces being concentrated on a vulnerable part of the body." Honest mistake or not, The Post should not print a statement by me from secondhand source on a particularly sensitive subject without first asking me whether it was correct.

In September 1979, GM announced it would not offer air bags in its 1981 models because of concern about the "potential risk of injury to unrestrained small children." On Oct. 1 of that year, I said the company's evidence was fragmentary and speculative. My concerns were reinforced 10 weeks later when GM reversed course and according to news accounts, "claimed an engineering breakthrough," declared it had "worked out the child restraint problems" and confirmed that it would offer driver and passenger air bags in some larger 1982 models.

This about-face coincided with a GM marketing report revealing that buyers overwhelmingly preferred air bags to passive safety belts, even at a cost of \$ 360 or more. Six months after that, despite the breakthrough, GM announced it would not provide air bags as options in its 1982 models but would delay their introduction for another year. This delay, said GM Chairman Thomas Murphy, would save his company \$ 20 million.

I took GM's September 1979 position concerning risks to children very seriously. In an Oct. 1, 1979, press conference, I announced the designation of a special team of engineers, medical experts and accident-data analysts to investigate the GM concerns, review relevant data from all auto companies, air bag suppliers and other specialists and "immediately carry out whatever studies are required to resolve any outstanding issues." Following extensive testing and analysis, the specialists recommended a number of design changes, such as dual-inflation air bags, chambering the air bags and top-mounting them next to the windshield above the head of a standing toddler. All of this research was made available to the auto companies. It is their responsibility to explain why improved air bag designs were not installed in cars being sold today.

Under my authority, the agency in 1978 also undertook a nationwide effort to get enactment of child-restraint usage laws in every state, a goal achieved by 1984.

After Secretary of Transportation Elizabeth Dole reissued the passive-restraint standard in 1984, the auto industry petitioned the NHTSA to delay introduction of passenger air bags. It was given until 1993, allowing plenty of time to perfect designs to protect unrestrained children.

But despite knowledge of the performance of the air bags they designed, promoted and are selling to the public, the auto companies until now have not explicitly warned occupants with an obvious and unequivocal label on the dashboard that all infants and children should ride in the rear seat.

Now that the NHTSA has at last initiated proposals to require all cars to be clearly labeled until they are equipped with improved or "smart" air bags, the auto companies should stop trying to corrupt the public record and focus on doing what they ought to have done initially: making better air bags.

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In the meantime, air bag injuries to children can be eliminated immediately if children are properly restrained in the back seat. Infants in rear-facing seats should never be in the front seat. If children must be in the front seat, they always should be restrained, and the seat should be in the most rearward position.

The writer is president of Public Citizen, a Washington-based consumer group, and is a former administrator of the National Highway Traffic Safety Administration.

GRAPHIC: Illustration, john overmyer

LANGUAGE: ENGLISH

LOAD-DATE: December 01, 1996



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LEVEL 1 - 3 OF 34 STORIES

Copyright 1996 The Washington Post
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December 01, 1996, Sunday, Final Edition

SECTION: EDITORIAL; Pg. C06

LENGTH: 750 words

HEADLINE: Air Bags -- and Smothered Facts

BODY:

AT A PARKING lot near the Boise Towne Square Mall in Idaho, a VW Jetta rear-ended another car that had just entered the lot last Tuesday evening. That set off an air bag in the Jetta that decapitated one-year-old Alexandra Greer. "It otherwise would have been a minor traffic accident," a police lieutenant said. The girl was in an infant seat; but as the public at large is only beginning to learn after more than 30 children have been killed by passenger-side air bags in the past three years, additional life-saving precautions are now being strongly recommended to protect children and slight-framed adults. Some 66 million air-bag-equipped vehicles are on the roads today, about one-third with passenger-side bags; motorists and parents are understandably concerned about the value of these devices.

These concerns are not new. They just haven't been aired sufficiently by officials over the years. There is no doubt that air bags, used along with other restraints, have saved lives -- nearly 500 in the past year alone. But they should be considered supplemental, not primary, restraints, and not substitutes for lap and shoulder belts. But what about the dangers to children and smaller adults -- why weren't the risks and ways to avoid them publicized and warnings mandated in all airbag-equipped vehicles?.

These concerns were first raised by federal and auto industry officials as long ago as 1969. Yet only now is the National Highway Traffic Safety Administration announcing rule-making procedures that would let vehicle owners have their air bags deactivated. Even allowing for the eagerness of authorities to hail as well as mandate the installation of new devices that clearly do save lives, the government could have done more to point up the dangers.

According to a report by staff writers Warren Brown and Cindy Skrzycki, a 1969 research paper by General Motors noted that "a small child close to an instrument panel from which an air cushion is deployed may, in our present estimation, be severely injured or even killed." Why didn't government officials spread that warning? Joan Claybrook, now president of Public Citizen and former head of the National Highway Traffic Safety Administration, replies in a "Taking Exception" column on the opposite page. She states that The Post article did not mention that in the following year, GM "overcame its reservations and announced that it would voluntarily make air bags available on all its cars by the 1975 model year."

According to Ms. Claybrook, GM produced and sold air bags with less power for low-speed crashes that saved the lives of children as well as adults. No



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children's deaths were reported at that time -- and no need was found for warnings. After that, Ms. Claybrook maintains that GM cited new concerns about injuries, stopped offering air bags and then "reversed course" and eventually resumed offering air bags.

Ms. Claybrook says that she initiated extensive testing and made findings available to auto companies. She contends that it was their responsibility to explain why better designs were not installed in the vehicles being sold now. But the history here shows that there's enough blame to go around, and that though no one knew then what officials began finding out a year ago, at least those new statistics could and should have been addressed faster by NHTSA.

The focus now should be on eliminating risks -- on laws mandating effective, complete restraint systems and on enforcement -- starting with seat-belt use. Chuck Hurley, executive director of public affairs for the National Safety Council, points up the serious need for better state laws. Under most existing laws, failure to use belts is not a primary offense; it can be cited only along with other charges. There should be zero tolerance, Mr. Hurley urges. For children, a car seat -- properly installed and used -- is the first step. According to Mr. Hurley, about 80 percent of the car seats in use are used improperly. Installation can and should be made easier and there can be improvements in harness fits, belt routings and seat placements, including standard, uniform attachment systems.

Cars always will be dangerous -- and putting children in machines that travel at high speeds is in itself subjecting them to the leading risk faced by small children today. In this holiday traffic season in particular, the message of the Air Bag Safety Campaign should not be forgotten: Buckle Everyone, Children in Back.

LANGUAGE: ENGLISH

LOAD-DATE: December 01, 1996



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Old Foes Agree On How to Test Air-Bag Safety

DOCUMENT 1 OF 19

J9634600146

Old Foes Agree

On How to Test

Air-Bag Safety

By Jeffrey Taylor

Staff Reporter of The Wall Street Journal

499 Words

3643 Characters

* 12/11/96

The Wall Street Journal

(Copyright (c) 1996, Dow Jones & Company, Inc.)

WASHINGTON -- Two longtime foes on car-safety matters agreed on a way

* to test less-powerful air bags, an important interim step toward redesigning the safety devices to make them less lethal for children.

Joan Claybrook, president of the advocacy group Public Citizen, agreed at a meeting with Andrew Card, president and chief executive of the American Automobile Manufacturers Association, to support the industry's use of a relatively simple test to assess the effectiveness

* of "depowered" air bags. Ms. Claybrook agreed on the use of "sled tests," which simulate a vehicle crash, rather than crash tests, which actually crash vehicles.

This seems likely to prod top officials at the National Highway Traffic Safety Administration to embrace the industry's proposal, although NHTSA researchers have supported more elaborate crash testing.

* "Physically, it's impossible for the auto industry to put depowered air

* bags in their cars in the next model year if they have to do it all by crash test," Ms. Claybrook said.

Current air-bag regulations call for the bags to inflate with sufficient force to save a 160-pound man who isn't wearing a seat belt.

That force has proved lethal to some smaller passengers, killing an
* estimated 31 children and infants since air bags began to appear in passenger cars.

Ms. Claybrook said she agreed to meet with her adversaries in the automobile industry "so we can cut some of these deaths and injuries and

* so that people have confidence in air bags, which they should." She hadn't previously come out in favor of the interim step of depowering

* air bags. In the long run, Ms. Claybrook said, both she and Mr. Card agreed that new air-bag technology must be developed to eliminate fatalities among young passengers.

The meeting between Ms. Claybrook and Mr. Card, a former transportation secretary, seemed timed to influence the NHTSA as it

prepares to publish a series of proposed rule changes that would, among
 * other things, allow air bags to be depowered. Top NHTSA officials
 already had been leaning toward backing the sled tests, but Ms.
 Claybrook's support makes it less likely they will be criticized for
 rejecting the advice of the agency researchers.

"NHTSA said they were going to propose two options, one being sled
 tests and the other one retaining the full-vehicle crash-testing
 requirement," said Barry Felrice, director of regulatory affairs at the
 auto manufacturers' association. "We think they should not only change
 the rule to allow depowering, but also use sled testing to get there."
 With sled tests, Mr. Felrice said, manufacturers could begin installing
 * less powerful air bags within the next six to nine months and finish
 * depowering air bags in all new vehicles within two years; crash tests
 would slow the process considerably, he said.

"We are glad to see industry and safety advocates working together in
 support of NHTSA's announced action plan on air bag injuries," said
 Ricardo Martinez, NHTSA administrator. "We're looking forward to seeing
 * the automobile industry's plans for implementation of depowered air bags
 and their relevant research."

I0607 * End of document.

- **Dislocated Workers:** Later this month, DOL will award \$370,000 to the TN Department of Labor for the retraining of 365 workers dislocated by the mass layoffs at the Pillsbury Company, Hunt Foods, Bob & Terry Leonard and Asarco New Marker Mine and Mill. The agency will also award \$965,083 to the OK Employment Security Commission to assist 266 workers dislocated from the General Motors Assembly Plant in Oklahoma City.
- **Occupational Safety:** On December 16, a Federal judge fined the Ladish Malting company \$450,000 for committing a criminal violation of the Occupational Safety and Health Act. The violation of the Act resulted in the collapse of a fire-escape platform on a grain elevator and the death of a worker. The company now faces reckless homicide charges by WI and civil penalty proceeding by DOL.

DEPARTMENT OF TRANSPORTATION

- **Los Angeles Transit:** On December 16, Secretary Peña, Deputy Secretary Downey, FTA Administrator Linton, and Mayor Riordan met with several Los Angeles County Metropolitan Transportation Authority board members in Washington, DC, to discuss Secretary Peña's concern regarding management, oversight, scheduling, and financing issues concerning the Red Line subway. The meeting received extensive media coverage. Next steps include development of a code of conduct for Board members, recovery plans and a 20 year financial plan.
- **Drunk Driving:** On December 19, as part of the annual National Drunk and Drugged Driving (3D) Prevention Month, Secretaries Peña, Shalala, and Riley and Director McCaffrey released the annual "Monitoring the Future" survey of drug, alcohol and tobacco use by high school students. They led a satellite forum, linking communities around the country and reminding the public not to drink and drive during the holiday season.
- **Air Bag Hearing:** On December 19, the House Transportation Appropriations Subcommittee held a hearing to discuss issues regarding air bags. Chairman Wolf is interested in the status of rulemaking, history of the air bag, and other related issues. NHTSA Administrator Martinez testified for DOT.
- **Maritime Security Program for U.S. Shipping Companies:** On December 20, Secretary Peña held a press conference to announce the MSP awards. DOT has entered into agreements with nine shipping lines -- Central Gulf, Crowley, FABC, Farrell Lines, Lykes, Maersk, OSG, Sea-Land, and Waterman -- to subsidize \$2.1 million per ship for a

Air bags -

Marcia - get check w/ Governors is OK, —
Eli —
Kurtz —
Phil Recht - NHTSA

Radio Address - 28th tone on Friday

- Gen call for safety
- announce rules —
- Call on states to pass tougher
seat belt laws — 1st seat belt
laws.

- & direct ~~the~~ Dept of Transportation —
drop dead day of 28.

Coc -

Can get ^{it} out by the 28th we can do it.

- Marcia make sure people are comfortable —
- we're doing — what

Very clear

5 to 1 lives lost if no behavior
changed. —

↳ Idea is to never let it get there —

Published next week when ~~President~~
Federal Register opens. —

- safe
- using an smart airbags — in the interim this
is what we have
- seat belt announcement.

- O'Leary

- Recently declassified documents

- Bikini ATO test (Pacific)

- give out names? rest is already on internet

- Research reactor in Vietnam

- polonium ← removed instead of plutonium

- plutonium ← ~~removed~~ this unaccounted for

- meet w 3/4 family members. — 9th
hundreds —

- archival tapes of bombs themselves —

3rd time declassification announcements

"Coda" — President did apology

- POTUS

- Secy

- Exon

Glenn → Maquie (Fernald school)

CABINET AFFAIRS ROUTING SLIP

DATE: 12/19

ACTION/CONCURRENCE/COMMENT DUE BY: 12/19
 FOR APPROPRIATE ACTION: _____
 FOR YOUR INFORMATION: _____

FROM: **STEPHEN B. SILVERMAN**
 DEPUTY SECRETARY TO THE CABINET
 DEPUTY ASSISTANT TO THE PRESIDENT

SUBJECT: Possible Radio Address Topic for 12/28

COMMENTS: MARCIA - Please check this with the governors.

LEON PANETTA (PALMIERI)	___ 1FL WW	ANNE MCGUIRE	___ 160 OEOB
HAROLD ICKES (SUTTON)	___ 1FL WW	LORRIE MCHUGH	___ 1 FL WW
EVELYN LIEBERMAN (KULLMAN)	___ 1FL	LINDA MOORE	___ 115 OEOB
KITTY HIGGINS	☒ 2FL WW	JENNIFER O'CONNOR	___ 149 OEOB
JOHN ANGELL	___ 178 OEOB	TOM O'DONNELL	___ 2FL WW
DON BAER	☒ GFL WW	KEVIN O'KEEFE	___ 106 OEOB
KRIS BALDERSTON	___ 160 OEOB	JACK QUINN	___ 2FL WW
DAVID BEAUBAIRE	___ 160 OEOB	VICKY RADD	___ GFL WW
JEREMY BEN-AMI	___ 218 OEOB	LEE SATTERFIELD	___ 124 OEOB
EMILY BROMBERG	___ 106 OEOB	WENDY SMITH	___ 115 OEOB
PHIL CAPLAN	___ GFL WW	DOUG SOSNIK	___ GFL WW
MICHAEL DEICH	___ 209 OEOB	GENE SPERLING	___ 2FL WW
JOHN EMERSON	___ 106 OEOB	GEORGE STEPHANOPOULOS	___ 1FL WW
RAHM EMANUEL	___ 1FL WW	TODD STERN	___ GFL WW
JANICE ENRIGHT	___ 1FL WW	STEPHANIE STREETT	___ GFL WW
ERIC EVE	___ 115 OEOB	GINNY TERZANO	___ 274 OEOB
T.J. GLAUTHIER	___ 246 OEOB	BARRY TOIV	___ 1FL WW
MARY ELLEN GLYNN	___ GFL WW	LORRAINE VOLES	___ 274 OEOB
MARCIA HALE	☒ 2FL WW	MICHAEL WALDMAN	___ 196 OEOB
KAREN HANCOX	___ GFL WW	DAN WEXLER	___ 117 OEOB
LARRY HAAS	___ 253 OEOB	KATHI WHALEN	___ 136 OEOB
ANNE HAWLEY	___ GFL WW		
JAY HEIMBACH	___ 107 EW		
NANCY HERNREICH	___ 1FL WW		
ALEXIS HERMAN	___ 2FL WW		
RONDA JACKSON	___ 160 OEOB		
JOHN KOSKINEN	___ 260 OEOB		
MIKE MCCURRY	___ 1FL WW		

SALLY KATZEN
 ELIZABETH DRYE 222
 EU ATTIE

FEMA

LIEBERMAN 1/WW
 HIGGINS 2/WW
 ANGELL 178 OEOB
 CHOW 107/EW
 ENRIGHT 1/WW
 GLYNN G/WW
 HALE 2/WW
 HEIMBACH 107/EW
 MURGUIA 112/EW
 MCHUGH 1/WW
 PALMIERI 1/WW
 TERZANO 274 OEOB

DOT

HIGGINS 2/WW
 ANGELL 178 OEOB
 DEICH 209 OEOB
 GLYNN G/WW
 HANCOX G/WW
 HEIMBACH 107/EW
 MCHUGH 1/WW
 O'CONNOR 149 OEOB
 TERZANO 274 OEOB
 TOIV 1 FL WW

ANNOUNCEMENTS

LIEBERMAN 1/WW
 HIGGINS 2/WW
 BABCOCK 263 OEOB
 BAER G/WW
 ENRIGHT 1/WW
 HALE 2/WW
 HANCOX G/WW
 HEIMBACH 107/EW
 GLYNN G/WW
 L. MCHUGH 1/WW
 O'KEEFE 106 OEOB
 PALMIERI 1/WW
 TERZANO 274 OEOB
 TOIV 1FL WW
 SKELTON 273.5 OEOB
 WALDMAN 196 OEOB

DEC 18 1996

From: Philip Recht 

To: Steve Silverman

Re: Possible airbag/seatbelt messages for President

In the near future, the National Highway Traffic Safety Administration (NHTSA) will issue a number of rulemaking documents containing various portions of the Administration's comprehensive plan to improve the performance of airbags. The rulemakings include a final rule permitting airbag cutoff switches in certain vehicles, a proposal (NPRM) to allow depowered airbags in all vehicles, and a proposal to allow owners to disconnect existing airbags. The proposals will be considered on expedited 30-day comment period bases.

It has been suggested that the President use the occasion of the issuance of these items to address some of the behavioral issues which are at play in the airbag matter and which otherwise continue to have an enormous impact on highway safety generally. Specifically, it has been suggested that the President address the following:

1. The need to increase seat belt use in the U.S.: Seat belts are the most important safety device in a vehicle. They work in all types of crashes (unlike airbags which only work in frontal collisions), and overall double a person's chances of surviving a crash. Pursuant to a sanctions provision contained in federal highway law, 49 states plus D.C. have laws requiring the use of seat belts. Notwithstanding these facts, seat belt use in the U.S. is no greater than, and in fact has plateaued at, approximately 69%, far lower than many other industrialized nations (e.g., Canada, Australia, various European countries, which have over 90% belt use). Unbelted persons account for over 60% of all fatalities. Various studies show that the average hospital costs of treating unbelted persons injured in crashes is significantly higher than treatment costs for belted persons. Currently, over 36,000 people a year die as drivers or passengers in crashes. Highway crashes cost the country over \$150 billion a year. If seat belt use increased to 90%, over 5000 lives a year could be saved. As well, billions could be saved in related costs.

There are two possible messages here: (1) a general call on all Americans to buckle up, stressing the benefits of doing so and the theme of individual responsibility; also, the fact that 49 states and D.C. require it; or (2) a call on all states which have not already done so to upgrade their seat belt laws to "primary" ones. Primary laws make it illegal to not wear a seat belt, and allow police to stop a car because the officer observes a non-belt user in the car. "Secondary" belt laws equally make it illegal to not wear a belt. However, these laws prohibit police from stopping cars based on observed non-belt use. A car can be stopped, and the seat belt law can be enforced, only if an officer observes some other violation (e.g., speeding, expired registration). The federal sanction law which has motivated the states to adopt their respective laws allows for either primary or secondary laws.

Suffice it to say, belt use generally rises significantly--usually about 15%--and fatality rates generally decline when states upgrade their laws from secondary to primary. Currently, 11 states have primary laws, while 38 have secondary laws. The D.C. council has just voted to change its secondary law to a primary law. Intensive lobbying efforts will be made by a coalition of auto manufacturers, insurance companies, and safety and health care organizations in the next legislative session in about 7-10 states to urge adoption of primary laws. The most vigorous current opponent of primary laws is ABATE, the organization which lobbies against motorcycle helmet laws. In the past, others have argued that primary laws would allow for police harassment of minorities and otherwise abridge fundamental civil liberties. Some governors may oppose a call for primary laws as reflecting federal intermeddling, etc. I am enclosing a fact sheet on primary laws which provides some additional information.

2. Any such address should also urge against drinking and driving, and maybe also against drugging and driving.

3. Also, any such address, particularly if it mentions the airbag issue, should include mention of the important airbag safety messages of (1) putting all kids in the back, (2) properly restraining all occupants, including kids, and (3) for drivers in particular, sitting as far back from the airbag as feasible.

Please let me know if we can provide additional information on any of these matters.

FACT SHEET

SEPT
1996

STATE LEGISLATIVE

National
Highway
Traffic Safety
U.S.
Department of

Primary Enforcement of Seat Belt Laws Increase Belt Use Decrease Crash Fatalities and Injuries

Safety belt usage is much higher, on average, in States that allow primary enforcement of their belt use laws. Recent experience with upgrades from secondary to primary enforcement in California and Louisiana provides strong evidence of the benefits of switching to primary enforcement.

Definitions: **Primary Enforcement:** A citation can be written whenever a law officer observes an unbelted driver or passenger.

Secondary Enforcement: A citation can only be written after an officer stops the vehicle for some other infraction.

Higher Belt Use Rates

- States with primary laws averaged 14 percentage points higher belt use than those with secondary laws (75 versus 61 percent), as of December 1995.
- California's statewide driver belt use increased from 70 percent in 1992 with a secondary enforcement law to 83 percent in late 1993 after the state changed to primary enforcement.
- Driver belt use increased nearly 18 percentage points in six California cities NHTSA studied—an increase almost identical to that which occurred in those same cities when the secondary enforcement law was first adopted in 1986.
- The Insurance Institute for Highway Safety also reported that Los Angeles driver and front seat passenger use increased from 56 to 76 percent, with similar gains found in Sacramento, San Francisco, and San Diego.

- Driver and front seat passenger belt use in five Louisiana cities increased from 52 percent during the fall of 1994 under secondary enforcement to 68 percent during the spring of 1996 under primary enforcement. (The effect on statewide use will not be available until late 1996.)

Greater Fatality Reduction

- During the first full year after enforcement of their belt laws began in five primary and eleven secondary law states, fatality rates dropped 20 percent in the primary states versus 8 percent in the secondary states for persons over age 21.
- During the same period, for persons age 21 and younger, there was a 23 percent reduction in fatality rates in the primary states versus a 3 percent reduction for that age group in the secondary states.

Primary enforcement sends motorists a clear message that the state considers belt use mandatory for the safe operation of a motor vehicle. In a public opinion survey in Michigan in 1988, 68 percent reported that their belt use would increase if the police could pull them over just for not using their seat belt—in the same manner as speeding violations.

Surveys of public opinion suggest that while a substantial proportion of the population does not always support primary laws prior to their enactment, a large majority supports them after enactment—even where enforcement agencies intensify enforcement efforts.

Contents

- Higher Belt Use Rates
- Greater Fatality Reduction
- Urge Parents To Carry Children In The Rear Seat

California and Louisiana:

California has had over three years of experience with the upgrade to primary enforcement and Louisiana has had one. In both states there has been no significant adverse public or official reaction to the change, and no increase in enforcement intensity.

North Carolina:

After statewide enforcement and publicity efforts in October 1993 and July 1994 (with 6,364 checkpoints, 58,883 belt and 3,728 child seat citations), statewide belt use rose from 85 percent to 81 percent. A phone survey revealed that 85 percent were aware of the effort and 87 percent supported it.

National:

In a 1991 national phone survey, 73 percent said they would support primary legislation in their state if they knew it would result in more safety belt use and more lives being saved.

In attitude surveys, officers consistently preferred primary laws and reported that a secondary enforcement law is a major deterrent to issuing citations.

- Traffic and patrol officers in each of the six California cities NHTSA studied favored the change to primary enforcement. Most officers felt that it communicated to motorists both the need for using belts and the possibility that an enforcement action might be taken.
- In a 1986 Michigan State University study, both patrol officers and police administrators indicated that primary enforcement would result in a higher priority being given to belt law enforcement.

Various groups, organizations and policy advisors have studied the issues pertaining to the effectiveness of belt laws and have made the following recommendations concerning primary enforcement.

- A U.S. General Accounting Office report, *Highway Safety: Safety Belt Use Laws Save Lives and Reduce Costs to Society* (1992), encouraged states to upgrade their laws to achieve the additional savings possible with comprehensive, well enforced laws. Primary enforcement was specifically mentioned as a priority upgrade.

- A National Research Council Committee Report, *Safety Belts, Airbags and Child Restraints* (1989), recommended further research on the question: "Are some state laws ineffective because of secondary enforcement?"

- A National Committee for Injury Prevention and Control report, *Injury Prevention: Meeting the Challenge* (1989), recommends: "All states should enact and enforce a primary enforcement safety belt use law. States with secondary enforcement should amend the laws to allow for primary enforcement."

- The National Transportation Safety Board issued a Safety Recommendation on June 20, 1995 which recommends "that States and the District of Columbia that have secondary enforcement of mandatory safety belts use laws and the States without mandatory use laws: Enact legislation that provides for primary enforcement of mandatory safety belt use laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points."

In their 1996 report, *Motor Vehicle Safety: Comprehensive State programs Offer Best Opportunity for Increasing Use of Safety Belts*, the U.S. General Accounting Office listed primary enforcement, along with broader vehicle coverage and aggressive enforcement, as priority state needs for substantial further increases in safety belt use.

Urge Parents To Carry Children In The Rear Seat

- The rear seat is the safest place for children of all ages.
- Infants (less than one year of age) should never be carried in the front seat of a car or truck with a passenger-side air bag.
- Infants must always ride in the rear seat, facing the rear of the car.
- Children should not ride with the shoulder belt tucked under their arm or behind their back.
- Make sure everyone is correctly buckled up. Unbelted, or improperly belted occupants can be hurt or killed by the deploying air bag.

These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-10, 400 Seventh Street, S.W., Washington, D.C. 20590.

CABINET AFFAIRS ROUTING SLIP

DATE: 12/12/96

ACTION/CONCURRENCE/COMMENT DUE BY: _____

FOR APPROPRIATE ACTION: _____

FOR YOUR INFORMATION: _____

FROM: **STEPHEN B. SILVERMAN**
DEPUTY SECRETARY TO THE CABINET
DEPUTY ASSISTANT TO THE PRESIDENT

SUBJECT: AIR Logs

COMMENTS: For further discussion

LEON PANETTA (PALMIERI) _____ 1FL WW
 HAROLD ICKES (SUTTON) _____ 1FL WW
 EVELYN LIEBERMAN (KULLMAN) _____ 1FL WW
 KITTY HIGGINS _____ 2fl WW
 JOHN ANGELL _____ 178 OEOB
 DON BAER ☒ GFL WW
 KRIS BALDERSTON _____ 160 OEOB
 DAVID BEAUBAIRE _____ 160 OEOB
 JEREMY BEN-AMI _____ 218 OEOB
 EMILY BROMBERG _____ 106 OEOB
 PHIL CAPLAN _____ GFL WW
 MICHAEL DEICH ☒ 209 OEOB
 JOHN EMERSON _____ 106 OEOB
 RAHM EMANUEL _____ 1FL WW
 JANICE ENRIGHT _____ 1FL WW
 ERIC EVE _____ 115 OEOB
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 MARY ELLEN GLYNN _____ GFL WW
 MARCIA HALE _____ 2FL WW
 KAREN HANCOX _____ GFL WW
 LARRY HAAS _____ 253 OEOB
 ANNE HALLEY _____ GFL WW
 JAY HEIMBACH _____ 107 EW
 NANCY HERNREICH _____ 1FL WW
 ALEXIS HERMAN _____ 2FL WW
 RONDA JACKSON _____ 160 OEOB
 JOHN KOSKINEN _____ 260 OEOB

MIKE MCCURRY _____ 1FL WW
 ANNE MCGUIRE _____ 160 OEOB
 LORRIE MCHUGH _____ 1 FL WW
 LINDA MOORE _____ 115 OEOB
 JENNIFER O'CONNOR _____ 149 OEOB
 TOM O'DONNELL _____ 2FL WW
 KEVIN O'KEEFE _____ 106 OEOB
 JACK QUINN _____ 2FL WW
 VICKY RADD _____ GFL WW
 LEE SATTERFIELD _____ 124 OEOB
 WENDY SMITH _____ 115 OEOB
 DOUG SOSNIK _____ GFL WW
 GENE SPERLING _____ 2FL WW
 GEORGE STEPHANOPOULOS _____ 1FL WW
 TODD STERN _____ GFL WW
 STEPHANIE STREETT _____ GFL WW
 GINNY TERZANO _____ 274 OEOB
 BARRY TOIV _____ 178 OEOB
 LORRAINE VOLES _____ 274 OEOB
 MICHAEL WALDMAN _____ 196 OEOB
 DAN WEXLER _____ 117 OEOB
 KATHI WHALEN _____ 136 OEOB

HH:2 X 126 OEOB
 Dye X 222 OEOB

FEMA
 LIEBERMAN 1/WW
 HIGGINS 2/WW
 ANGELL 178 OEOB
 CHOW 107/EW
 ENRIGHT 1/WW
 GLYNN G/WW
 HALE 2/WW
 HEIMBACH 107/EW
 MURGUA 112/EW
 MCHUGH 1/WW
 PALMIERI 1/WW
 TERZANO 274 OEOB

DOT
 HIGGINS 2/WW
 ANGELL 178 OEOB
 DEICH 209 OEOB
 GLYNN G/WW
 HANCOX G/WW
 HEIMBACH 107/EW
 MCHUGH 1/WW
 O'CONNOR 149 OEOB
 TERZANO 274 OEOB
 TOIV 178 OEOB

OLAMPS
 MCCLARY G/WW
 KAVIS 276 OEOB
 HIGGINS 2/WW
 ABRAMS 224 OEOB
 RADD G/WW
 RONNEL 174 OEOB
 TERZANO 274 OEOB
 VOLES 274 OEOB
 WHALEN 136 OEOB

ANNOUNCEMENTS
 LIEBERMAN 1/WW
 HIGGINS 2/WW
 BABCOCK 263 OEOB
 BAER G/WW
 ENRIGHT 1/WW
 HALE 2/WW
 HANCOX G/WW
 HEIMBACH 107/EW
 GLYNN G/WW
 L. MCHUGH 1/WW
 O'KEEFE 106 OEOB
 PALMIERI 1/WW
 TERZANO 274 OEOB
 TOIV 178 OEOB
 SKELTON 273.5 OEOB
 WALDMAN 196 OEOB

AIRBAGS

On November, 22, 1996 NHTSA announced a comprehensive approach to minimize the growing number of serious injuries and fatalities caused by airbags. It announced that its program included five rulemakings, as well as continuing public information and education activities, many of which were being conducted through an industry-safety coalition previously organized by NHTSA. The comprehensive approach aims to reach the fastest possible introduction of "smart" airbag technology, while in the interim taking several measures to reduce the current adverse impacts.

The rulemakings announced by NHTSA are in various stages:

- A final rule established new warning label requirements for vehicles and child safety seats. The new labels must be placed on vehicles within 90 days, on child seats within 180 days (COMPLETED).
- An NPRM that would require manufacturers to begin installing smart airbags in vehicles as early as model year 1999; (NOT YET DRAFTED BY NHTSA).
- An NPRM, to be considered on an expedited 30-day comment basis, to permit manufacturers to install depowered airbags in their vehicle. Depowered airbags would be allowed until smart systems come on line. However, this may not be achievable by model year 1998 (NOT YET REVIEWED BY OMB).
- A final rule extending until 2000 the permission already given to manufacturers to place airbag cutoff switches in vehicles without a rear seat, or with a rear seat too small to accommodate a child seat (NOT YET CLEARED BY OMB).
- An NPRM that would permit auto dealers and mechanics to disconnect existing airbags upon the written authorization of the vehicle owner. This also will be considered on an expedited 30-day basis (NOT YET REVIEWED BY OMB).

OPTIONS FOR PRESIDENTIAL INVOLVEMENT

1. Announce the issuance of the three proposed rulemakings. State that they are part of the comprehensive plan to preserve the benefits of airbags while eliminating the potential and unacceptable risks, and emphasize the need for all occupants to buckle, and all children to ride in the back. Possible disadvantages include automakers' and consumer activists criticism of depowering and tying the President to future fallout from changes in the proposed rules through the process. Also, if the depowering NPRM is issued instead of a interim final rule, it may not be effective for 1998 models.

2.

A) Without announcing the issuance of the proposed rules, direct NHTSA and/or other related agencies to increase research and/or public information efforts. Additionally, deliver the important safety message of seats belts and children in back.

B) Announce the issuance of the three proposed rulemakings as in the first option, and take actions as in 2A.
3.

Make no announcement of the proposed rulemakings, but deliver a message about the critical need to wear seatbelts in light of the 42,000 fatalities and \$150 billion cost of highway crashes annually. While seat belts double an occupants chance of surviving a crash, only about 67% of Americans wear them, and we must all seek 100% usage through primary seatbelt laws.

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Diane Steed

Steed, Jerry R. Curry and Marion Blakey

The Air Bag Battle ...

As former administrators of the National Highway Safety Administration (NHTSA), we read with interest the op-ed piece in *The Post* by our predecessor Claybrook ["The Auto Industry, the Air Bag . . .," Dec. 1]. We believe there is another side to this story.

It is not air bags that are defective but rather the existing federal motor vehicle safety standard governing air bags. What's needed now, rather than refighting old fights, is clarity on the issue and prompt action to amend the standard to permit less aggressive air bags and ensure that this lifesaving technology is made safer for all Americans.

The federal motor vehicle safety standard that requires air bags to inflate with explosive force was defined more than a decade ago to address the circumstances that were relevant at the time. Chief among these was the fact that most Americans refused to wear safety belts, which meant air bags had to be assigned a larger protective role. But today, buckling up is the norm, and it's time to de-power airbags.

In the early '80s, front seat belt use was a deplorable 11 percent. That's why today's so-called passive restraint requirement was put in place in the mid-1980s—to protect an unbelted passenger involved in a 30 mph crash into a fixed object. This approach requires a much more aggressive air bag, because in the absence of a safety belt, the air bag must absorb the full force of the crash. In order to meet this demanding standard, air bags deploy in 1/25th of a second, at speeds double those of the fastest major league fastball: 200 mph.

Air bags save more than one life every day. Overall, they have saved more than 1,500 lives. And when every car and light truck on the road is finally equipped with air bags, they will save an estimated eight lives a day. But a tragic side effect has been that they have caused the deaths of more than 30 children and 20 adults. That is why immediate changes are needed to ensure that this lifesaving technology is made safer for all passengers, especially children.

Today, 68 percent of Americans in the front seat buckle up regularly; it's the law in 49 of 50 states. This reality raises a fundamental question: Should the government still require extremely aggressive air bags designed to protect the one-third of motorists who, despite all warnings, still refuse to buckle up—and who are accountable for breaking the law in every state but one? Or should the standard be changed to permit less aggressive air bags that provide optimum protection for the great majority of properly belted passengers, with far less risk to children and other vulnerable passengers?

The federal government cannot do for people what they refuse to do for themselves.

Last summer, the U.S. auto industry petitioned the National Highway Traffic Safety Administration to allow installation of less powerful air bags. More recently, Sen. Dirk Kempthorne (R-Idaho) petitioned the Transportation Department to do away with the requirement that vehicles be subjected to a crash test using unbelted dummies. This also would result in less aggressive air bags appropriate for today's reality: that most people ride buckled up.

De-powering air bags makes sense and should be permitted without delay. Other countries, most recently Canada, already allow air bags with less power.

Recently, some people have sharply criticized the auto industry for bringing air bags to the market knowing that they pose some danger to children. Ironically, these same critics previously dismissed the industry's concerns about air bags and the potential risks they posed to children, and helped force the current overly aggressive federal air bag standard. There is no need to refight an old war.

All too often, federal highway safety policy has been too much guided by the assumption that it is the duty of government to take care of those who will not act responsibly to help themselves—that we can regulate away all danger. Unfortunately, too many Americans implicitly accept that assumption and mirror it in their attitudes and driving habits.

That approach, combined with the view that it is possible to eliminate most risks through the use of new technology, has often caused us to forgo policies that could achieve the greatest gains by changing our own behavior.

In the 12 years since the current standard was put in place, we've achieved a sea change in Americans' attitudes about safety belts. Since 1981, greater safety belt use has saved thousands of lives and prevented countless injuries. As more and more Americans buckle up, the need for lower-powered, child-safe air bags becomes more and more compelling.

While each of us has done some work with the automotive industry since leaving government, that should not be an issue here. We believe passionately that this lifesaving technology should be preserved. We urge NHTSA to take immediate action to de-power air bags.

The writers were administrators of the National Highway Traffic Safety Administration, Diane Steed from 1983 to 1989, Jerry R. Curry from 1989 to 1992 and Marion Blakey in 1992-93.

... the Claybrook Speech

*Joan Claybrook, president of Public Citizen and a former administrator of the National Highway Traffic Safety Administration, accused *The Post* of misquoting her in a Nov. 21 story under our bylines about the government's knowledge, dating back to the 1960s, of the dangers of air bags.*

*The *Post* story referred to an Oct. 1, 1979, speech by Claybrook in which she extolled air bags and criticized automakers for stalling on their installation because of safety concerns regarding children. Claybrook complained in her Dec. 1 op-ed piece that the quotation in question referred to seat belts, not air bags, and she is correct. But it came in the context of a plea for the industry to move ahead with air bags. The following excerpts from the speech, with the quotation in question italicized, are meant to provide some of that context.*

**—Warren Brown
and Cindy Skrzycki
*Washington Post Staff Writers***

The air bag is the single most important safety device that has ever been developed to protect people from death and serious injury in an automobile crash. The basic technology of air bags was made possible by automobile industry research and testing that was completed more than eight years ago.

Last week, General Motors Corp. informed us that it is yet again delaying its promised, voluntary introduction of air bag protection for its customers by not offering passenger air bags in its 1981 models. GM says it "may still be able to offer the driver's side option." The Department of Transportation is deeply distressed by GM's decision, and its harmful implications for the motoring public.

To understand why, let's briefly review the history of air bags:

- More than two decades ago, the first patents were obtained for inflatable crash protection systems.

- Eleven years ago, auto industry engineers came to this department and showed us their impressive research and testing on air bags. The department responded by issuing its plan to adopt a standard to require such protection in future cars.

- Nine years ago, GM pledged to install air bags voluntarily in one million 1974 model cars and to make air bags standard equipment on all of its 1975 car lines. . . .

- Six years ago, GM sold its first production cars with air cushions to the public. But instead of building a million of them, or even a hundred thousand, GM built only 10,000 between 1974 and

1976. Most people didn't even know that they could buy cars with air bags, and those that did had a very difficult time buying one from their local GM dealer. . . .

In light of the many years that have passed since GM's original decision to make air bag protection available to its customers, how does the company now defend its new decision to deprive the public of this lifesaving technology?

In a letter to the department, GM says that it has based its decision on a concern for the "potential risk of injury to unrestrained small children" in crashes of vehicles equipped with the design chosen by GM for its Air Cushion Restraint System. If GM has developed new and decisive evidence that its air bags do present a risk to small children—or to anyone else—that is a serious charge.

Does GM have such new and decisive evidence? We have taken a preliminary look at the limited evidence GM presented to us . . . and on the basis of that evidence and information from our own files we have drawn several preliminary conclusions:

- The scope of the problem raised by GM, even if it is valid, is very narrow and does not in any way detract from the large number of lives that will be saved by this system, including the lives of many children.

- Nearly every automotive system has some element of risk, and some limitations on its effectiveness. Safety belts, for example, are acknowledged to be superior crash protection devices, but their use occasionally results in injury from forces being concentrated on a vulnerable part of the body. Nevertheless, the tradeoff in terms of saving thousands of lives clearly outweighs these extraordinary and infrequent risks.

- The basis for GM's decision is fragmentary and speculative. The data used consist of three elements: tests of its air bag performance using animals to simulate the response of small children; automobile crash injury data from the files of GM's insurance subsidiary; and estimates of the frequency of panic braking prior to crashes (during which a child might be thrown against the dashboard) taken from an anecdotal accident file developed for the Department of Transportation by the University of Michigan.

- The animals used by GM to determine the injury response of small children may exaggerate the risk of injury to children. Moreover, GM's significant improvements in its Air Cushion Restraint System have very substantially reduced the potential for animal injury.

The Washington Post

FRIDAY, DECEMBER 13, 1996

FRIDAY, DECEMBER 13, 1996

William Raspberry

From the Mouths of Former Slaves

I've put off telling you about Donna Wyant Howell's work in progress, "I Was a Slave," because I've had trouble figuring out what to say about it.

The accounts really don't tell you much you didn't already know about slavery, and what they do reveal is unconnected, inconsistent and without historical context. They are not even Howell's stories; she got them from the Library of Congress.

I still don't know what to say about her work, except this: Read it. If you are descended from slaves, if your forebears or their relatives owned slaves, if you have any curiosity about America's "peculiar institution," you owe it to yourself at least to sample this fledgling collection—and for this reason: The accounts are from the slaves themselves.

There's something special—specially poignant, specially revealing and sometimes specially unsettling—hearing the stories from the mouths of ex-slaves.

Howell, a Howard University fine arts major with a lifelong interest in history, came upon the accounts while doing research for a free-lance project. This not-quite-secret treasure-trove (his-

torians specializing in slavery long have known about it) is the result of literally thousands of interviews with former slaves, done between 1934 and 1941. The interviewers' skills varied as widely as the ex-slaves' experiences, making it difficult to pull the accounts together in any coherent pattern. Further, the interviews took place largely during the Great Depression, which fact undoubtedly colored the ex-slaves' recollections of slavery.

But listen:

"We wucked all de week, my mammy plowin' wid a two-horse plow all the year when she warn't cleanin' new ground or diggin' ditches an' she got two days off when her chilluns wuz borned. We ain't had no passes ter go nowhar an' we ain't allowed offen de groun's." That's Lila Nichols, 89 at the time of her interview. This is John Smith, who was 108:

"My marster owned three plantations and 300 slaves. He started out wid two 'oman slaves and raised 300 slaves. One wuz called Short Peggy, and the udder wuz Long Peggy. Long Peggy had 25 chilluns. Long Peggy, a black 'oman, wuz boss ob de plantation. Marster freed her atter she had

25 chilluns. Just think o'dat, raisin' 300 slaves wid two 'omans. It sho is de truf, do'."

Here is Willie Blackwell:

"Poor white fo'ks don't have much go (influence) in dem days. W'en dey wants to speak to de Marster, dey comes up to de gate in de small yahd an' hollers. De Marster looks outer de winder, an' says, 'Looky yonder. Now I wondah what he wants?' Den he calls fo' de slave, an' w'en Ise dere, he sends me. He tells weuns to go see what de man wants. Ise goes down an' asks what he wants. He say, 'Ise want to see youse Marster.' Ise says, 'Maybe youse bettah tell me what youse wants, an' Ise go tell him . . ."

"W'en de nigger sees a poor white man's wife an' daughtah ain't got no clothes, no food, dey steals old Mistez's dress right off de line and goes into de smokehouse fo' rations, den totes 'em to de poor folks. Yes, suh, dat's de nigger slave all ovah. Can't stand to see no sufferin'."

Some interviewers pretty much followed the questionnaires they were given. Others set off in their own directions, or else followed the conversation wherever it headed. Some transcribed the words in standard spellings except where they

saw a need to preserve a peculiar pronunciation. Others routinely offer such transcriptions as "surrendah" or "cahpentah" or "w'en," or they have "folks cum fer dinner."

Many of those interviewed spoke longingly of the old days when there was no freedom but plenty of food. Others had memories of beatings, rapes and other cruelties (owners who would "sell de babies from de breast and de mothers from de babes") that even the hard times of the Depression were incapable of softening.

Howell's contribution is to organize these thousands of interviews in ways that make them accessible. You get a sense of the burden she has chosen when you recognize that the four "chapters"—50-page pamphlets—she has completed to date ("Descriptions of Plantation Life," "The Lives of Slave Men," "The Lives of Slave Women" and "The Breeding of Slaves") leave her with 20 chapters to go. They are available for \$5.95 each, plus mailing, from her own tiny company, American Legacy Books (P.O. Box 1393-F, Washington, D.C. 20013-1393; or 202-737-7827).

This isn't pretty work she's done. But it's valuable work, well worth the reading.

Clinton to keep Reno at Justice

By Bill Nichols
USA TODAY

A President Clinton is expected to confirm today that Attorney General Janet Reno will stay in her post. He's also likely to fill in a few of the blank spots in his second-term Cabinet.

Aides say Clinton hopes to announce choices for some of his five vacant Cabinet seats in an afternoon news conference, though most major decisions were pending late Thursday.

But after weeks of silence, the White House was saying that Clinton wants Reno to stay.

Clinton met with Reno Thursday evening in a 30-minute session he described to aides as "wonderful."

Aides cautioned earlier in the day that Clinton would want to know from Reno, who suffers from Parkinson's disease, whether she definitely wants to stay and for how long.

Reno has said she'd like to stay. Her status has become controversial in light of the Justice Department's role in ongoing investigations of White House conduct. Other details:

► Clinton was leaning toward naming Chicago lawyer Bill Daley, brother of Chicago Mayor Richard Daley, as secretary of Commerce.

Aides indicated that means Clinton would likely choose Rep. Bill Richardson, D-N.M., also a Commerce candidate, as U.N. ambassador, replacing Secretary of State-designate Madeleine Albright.

White House officials stressed, however, that Clinton had made no final decisions.

► Alan Blinder, vice chairman of the Federal Reserve board, has emerged as a leading candidate to head Clinton's Council of Economic Advisers and was at the White House Thursday, though aides could not confirm Clinton had offered him the CEA job.

The announcement of Blinder's selection likely would be accompanied by Clinton's choice to lead his National Economic Council. Chairman Laura Tyson is resigning.

Speculation has been rampant Clinton would split the NEC job between Tyson's deputy, longtime Clinton aide Gene Sperling, and Dan Turullo, who has become a key player on international economic issues.

But aides cautioned Clinton might not choose either.

► Shalala's streak, 11A
► Crusader Richardson, 11A

Study eases fear of teen crime wave

By Kevin Johnson
USA TODAY

A Criminologists and other law enforcement officials now believe a predicted wave of juvenile violence will not occur.

Recent declines in juvenile arrests for murder, assault and other violent crimes, they say, is part of a continuing and sustainable downward trend.

On Thursday, Attorney General Janet Reno said a new analysis of FBI crime statistics shows the drop in juvenile arrests for violent crimes in 1995 — including murder, assault and rape — was largely driven by a sharp decline in arrests involving children 14 years old and younger.

"These numbers offer us... a very good lesson," Reno said. "We do not have to face an explosion in youth crime as some have suggested."

The Justice Department analysis goes against the prevailing train of thought among criminologists in recent years.

Following sharp increases in juvenile violent crime in the mid-1980s and early 1990s, many criminologists predicted the nation was in line for a crime explosion as the juvenile population rises from 27 million today to 39 million in 2010.

But now even Northeastern University professor James Fox, who helped fan national concern about a group he called the "young and the ruthless," has softened his forecast of a juvenile armageddon.

"I get a reputation for being negative, a doomsayer," Fox said in a recent interview. "I never meant there would be a blood bath. Some of it was part of getting people's attention."

Said Jack Levin, director of Northeastern's Program for the Study of Violence and Social Conflict, and an early speculator about a youth apocalypse: "I was wrong."

FBI statistics show drops in every major category of youth violent crime in 1995, down 4% overall. The decline was driven by a 7% decline in arrests involving youngsters 10 to 14.

► Experts reconsider, 4A

Health agency launches air bag safety effort

By James R. Healey
USA TODAY

A Air bags today to help medical professionals give the latest, best advice? And it is publicizing two phone numbers where accidents should be reported.

The nation's top health watchdog begins an air bag safety effort today, worried that doctors don't know enough about air bag safety and that some air bag deaths and serious injuries are unreported.

The Centers for Disease Control (CDC) is issuing recommendations about children and

to put a child in the front seat of an air bag-equipped car.

CDC's key points:

► Children should sit in the back seat until age 12.

► The front passenger seat should be back as far as possible from the dashboard.

CDC says that reports of serious air bag injuries should be reported to the National Transportation Safety Board at 202-314-6483, or to the National

Highway Traffic Safety Administration at 202-493-0400. Reports also can be e-mailed to airbag.crash@nhtsa.dot.gov.

Chrysler also kicks off a \$3 million campaign today, sending letters to all 74,000 U.S. day care centers, preschools and elementary schools. Next month, Chrysler sends pamphlets and educational materials to the schools. The theme: "the back is where it's at."

Disney's Ovitz quits; shocks Hollywood

By David Lieberman
USA TODAY

A NEW YORK — Walt Disney President Michael Ovitz shocked Tinseltown Thursday by agreeing to quit.

His departure from Disney comes after months of growing tensions with CEO Michael Eisner. The two had jockeyed for power at the world's No. 2 entertainment combine. Only Time-Warner is larger.

Ovitz's resignation raises questions about the future for Disney, which dominates the film and theme park businesses and owns such television properties as ABC and ESPN.

Also in question is the next move for Ovitz, a former talent agent once known as the most powerful man in Hollywood.

"I will miss Michael's energy, creativity and leadership," Eisner said. Ovitz said he hoped this would "eliminate an unnecessary distraction for a great company."

His severance package is said to include \$50 million in cash, plus options to buy 3 million shares of Disney stock at \$57 a share anytime over the next five years. The stock closed at 70 1/4 Thursday.

Ovitz's move reopens the debate over whether Eisner is prepared to cede power. Several executives left the company in recent years, including Jeffrey Katzenberg who co-founded DreamWorks, SKG.

USA TODAY •

FRIDAY, DECEMBER 13, 1996

LATEST NFL MUST SEE: PATRIOTS VS. DALLAS

6 PLAYOFF SPOTS OPEN
▶ WEEKEND PREVIEW, 1,4,6C

FLA.'S WUERFFEL, TEAMMATES AWAIT
HEISMAN DAY 17,20C



Danny Wuerffel: Award ceremony Sat., 17,20C

USA TODAY

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★★★ 'MARS' ATTACKS THE FUNNY BONE 4D

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'PREACHER'S WIFE' ★★★ HOLIDAY GEM

▶ MOVIE REVIEWS 4D



Tom Cruise: Plays high-octane sports agent, 4D

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NEWSLINE

A QUICK READ ON THE NEWS

WALL STREET: Dow Jones industrial average slides 98.81 points to 6303.71; Nasdaq index drops 10.79 to 1298.33; 30-year Treasury bond yield falls to 6.62%, 1,3B.

▶ Ten stock funds with good long-term returns, 3B.

AIR SAFETY: Major U.S. airlines say they'll voluntarily install smoke detectors in cargo holds of jets that don't them; critics say that's not enough, 3A.

DICAL MARIJUANA: President Clinton will soon get recommendations on how to deal with states allowing use of marijuana for medical reasons, 3A.

A homecoming for condors



Landing gear: After species' long absence from region, one of six California condors is released in northern Arizona, 3A.

YOUNG JUPITER MOON: Galileo spacecraft captures startling images that show moon Europa might be billions of years younger than scientists thought, 4A.

CIVIL RIGHTS: Department of Agriculture to create to look into department's treatment of black, female and other minority farmers and employees, 2A.

PRESIDENTIAL POLL: Almost 60% of Americans approve of job President Clinton is doing, USA TODAY GNN/Gallup Poll shows, 6A.

PENSION DEFICIT: Payments promised by private pensions are short, available cash by \$64 billion, federal government says; interest rates are blamed, 1B.

U.N. LEADERSHIP: Informal United Nations Security Council poll goes 14-1 in favor of Kofi Annan of Ghana to be new Secretary-General, 12A.

TODAY'S DEBATE: Gulf war illness. In USA TODAY's opinion, "Looks like possible cover-up. Gulf war veterans and troops deserve much better," 14A.

▶ "New evidence discovered during this process does not point to a cover-up in the past," says Bernard Rostker, Department of Defense, 14A.

MONEY: Season's retailing health is good and bad, depending on whose numbers you use, 1B.

SPORTS: Bowe and Golota, and perhaps fans, in a rematch Saturday, Boxing, 1,12,7C.

▶ Reasons to stay tuned Saturday night, Rudy Martzke, 2C.

LIFE: Musical madness coming back to Hollywood, 1D.

▶ New cruise ships more than just big boats, 6D.

▶ Holiday books sure to be a hit with kids, 17D.

COMING MONDAY

WHO'S HOT: The advertising and marketing powerbrokers of 1996; the people and companies making a difference, and the top products.

By John O. Buckley

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USA SNAPSHOTS®

A look at statistics that shape the nation



Source: International Council of Shopping Centers

By Cindy Hall and Ben Land, USA TODAY

28-PAGE DOUBLE SPORTS SECTION

SPORTS EXCLUSIVES

① **BASEBALL:** How is baseball's hard won revenue sharing plan going to work? Team-by-team list, 1,6C.

Share: Editor by Michael B. Katz, AP

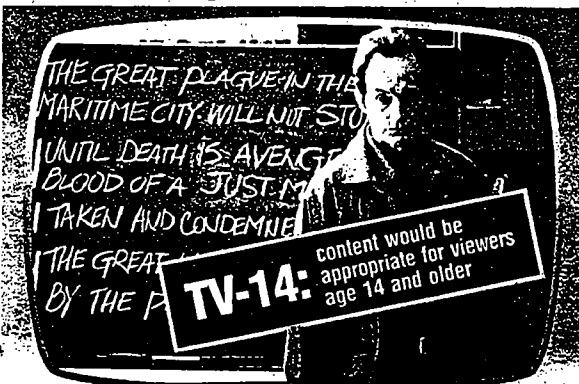


② **PREPS:** How is next year's college hoops season shaping up already? Men's and women's college signings, 24-25C.



③ **PRO HOOPS:** How's life in the ABL? USA TODAY spends a week on the road with the women's league, 17-18C.

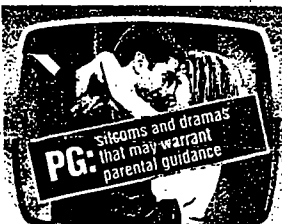
RATING TV: Is best system by age or content?



'Millennium': Its current parental warning could make it suitable for TV-14 category.



'Goosebumps': Scary show for older kids



'Friends': Sitcom might call for guidance.

By Kevin Padden, USA TODAY

Disney's Ovitz quits; shocks Hollywood

By David Lieberman
USA TODAY

NEW YORK — Walt Disney President Michael Ovitz shocked TimesTown Thursday by agreeing to quit.

His departure from Disney comes after months of growing tensions with CEO Michael Eisner. The two had jockeyed for power at the world's No. 2 entertainment combine. Only Time-Warner is larger.

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Ovitz's move reignites the debate over whether Eisner is prepared to cede power. Several executives left the company in recent years, including Jeffrey Katzenberg who co-founded DreamWorks, SKG.

▶ Industry 'earthquake,' 1B

COVER STORY

TV industry's choice of age sets off debate



By Alan Bash
USA TODAY

WASHINGTON — If the battle over a TV ratings code gets any nastier, parents might need a V-chip to screen out the debate itself.

The factions in the ratings controversy dug in their heels Thursday over how best to help parents identify programming unsuitable for children. Next week, Hollywood executives formally announce the code they've been working on for 11 months.

But the bitter political and legal showdown has already begun.

The debate: Should the code mirror the age-based ratings the movie industry has used for 28 years or specify the level of violence, language and sex in each show?

Please see COVER STORY next page ▶

Health agency launches air bag safety effort

By James R. Healey
USA TODAY

The nation's top health watchdog begins an air bag safety effort today, worried that doctors don't know enough about air bag safety and that some air bag deaths and serious injuries are unreported.

The Centers for Disease Control (CDC) is issuing recommendations about children and

air bags today to help medical professionals give the latest, best advice. And it is publicizing two phone numbers where accidents should be reported.

The concern about bad advice from medical professionals is well-founded. At least one of the 32 children killed by passenger air bags since 1993 was a victim of improper advice. A videotape provided by a hospital said, incorrectly, it was safe

to put a child in the front seat of an air bag-equipped car.

CDC's key points:

▶ Children should sit in the back seat until age 12.

▶ The front passenger seat should be back as far as possible from the dashboard.

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Highway Traffic Safety Administration at 202-493-4000. Reports also can be e-mailed to airbag.crash@nhtsa.dot.gov.

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▶ Shalala's streak, 11A

▶ Crusader Richardson, 11A

▶ Experts reconsider, 4A

Wanted: Smart air bags

Smart air bags are touted as the way to make air bags less dangerous to children and short adults. But so far there is no such thing. Automakers and air-bag suppliers are working furiously to invent such systems. Some key components and why most aren't ready:

Weight sensor

This is the only element of a smart bag system that's in production. BMW and Mercedes-Benz use it. A grid buried in the seat cushion detects weight and won't turn on the bag unless the weight is heavy enough to be an adult. **Problem:** The sensor could be fooled by a child carrying a heavy load.

Infrared sensor

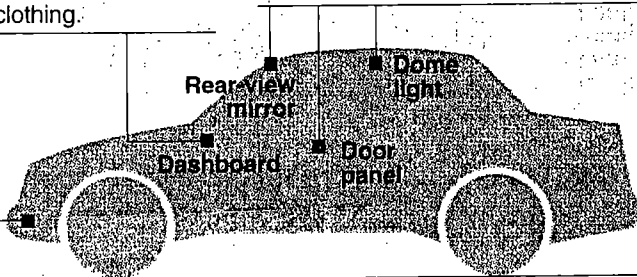
Mounted near the air bag, this sensor would measure body heat to tell if someone is in the passenger seat. **Problem:** It could be fooled by other heat sources or dark clothing.

Ultrasound and optical sensors

These would be mounted in several spots, aimed to scan the passenger seat and programmed to turn the bag off or slow the deployment speed if a child or small adult is sitting there. **Problem:** The sensors could be blocked by objects or blurred by moisture.

Crash sensor

More sophisticated than today's crash sensor, it would decide between minor and severe crashes and whether to inflate the bag forcefully. **Problem:** Automakers say they aren't sure it would be foolproof.



Source: USA TODAY research

COVER STORY

Wise move or rush job?

By James R. Healey and Jayne O'Donnell

The government, trying to stop air bags from killing children, is proposing a technological solution that doesn't exist.

And it probably can't be invented, refined, made reliable and put into mass production in time for the government's likely deadline, according to automakers.

At issue: so-called smart air bags. As envisioned, they would use a combination of sensors and advanced technology to tell if a child was sitting in the seat. If so, smart air bags would inflate less forcefully than normal, or wouldn't inflate at all.

"The fact is, there's nothing out there ready to go, fully developed, that we could put in our cars in volume," says Jerry Middleton, Chrysler safety

'We're not there yet'

► Canada helps seek solution, 2B

engineer in charge of air-bag systems. "There are a lot of guesses out there about when that will change — 2000, 2001, 2005. But it's basically a crap shoot."

If only carmakers were saying so, it would be easy to dismiss as foot dragging. But Jim Hall, chairman of the National Transportation Safety Board, agrees smart bags are "at least five years or more away."

Not only that, but smart bags might not be the perfect solution. "However smart they are, they won't be foolproof," cautions smart-bag proponent Brian O'Neill, president of the trade group Insurance Institute for Highway Safety. "There almost certainly will be scenarios where the bag system makes the wrong decision," resulting in injury or death, he says.

Please see COVER STORY next page ►

USA TODAY

FRIDAY, DECEMBER 27, 1996

PHOTOCOPY PRESERVATION

'Smart' air bags: A wise move?

Continued from 1B

Driver and passenger air bags are required, by law, in all new cars and trucks. The National Highway Traffic Safety Administration says they have saved about 1,600 lives. But passenger bags also have killed 32 children since spring 1993, mainly in minor accidents that hurt no one else. An analysis of government data done for USA TODAY shows that passenger bags are killing two children for every one saved.

Smart bags would — theoretically — fix that by sparing a child the 200 mph force of an air bag that, by federal rule, must come out fast enough and forcefully enough to cushion an average-size man not wearing a safety belt.

No automaker has a smart system, and no air-bag supplier offers one. Parts of such a system are in production, but other key components continue to fail during automakers' tests.

The closest thing to smart bags are systems offered by BMW and Mercedes-Benz. Those don't deploy the passenger bag if the seat is empty. That's to keep you or the insurance company from needlessly having to pay for a new bag. The Mercedes system also can recognize special child seats and shut off the passenger air bag. BMW uses a multistage crash sensor that won't trigger driver or passenger air bag in a minor accident.

Such systems, and optimistic talk from air-bag suppliers, make some safety advocates think automakers are just stalling. "There are fairly simple versions . . . that are relatively inexpensive and are very near-term, according to the air-bag suppliers," says Joan Claybrook, president of advocacy group Public Citizen. As head of the National Highway Traffic Safety Administration (NHTSA) in the 1970s, she spearheaded the push that has resulted in today's air bag mandate.

No "silver bullet"

Swayed by promising scenarios from air-bag companies, and impressed by the Mercedes system, NHTSA said last month it would soon set a deadline for installing smart bags in all new models. Since then, the agency appears to have settled on a timetable. NHTSA tells USA TODAY it plans to require 10% of all new cars to have the bags starting September 1998. That grows to 20% the next year, 40% the year after, then 70%, and finally, 100% starting September 2002. A NHTSA proposal incorporating that timetable is due next month or February. Automakers, bag suppliers, advocates and others then would have time to comment and object and propose alternatives, which could result in changes in the NHTSA rule.

IEE Automotive USA, maker of the Mercedes system, was delighted when NHTSA called attention to that setup last month. But faced with a rule that could require more than 1 million smart bags in less than two years, the company is more cautious. John Abraham, sales chief for IEE, now says the system never was intended as "a silver bullet," but rather as a "building block" for more-sophisticated systems.

At a hearing last week chaired by Rep. Frank Wolf, R-Va., air-bag supplier Siemens' engineering manager Paul Witt said the required hardware "is not ready for (mass) production."

And in an interview with USA TODAY, supplier Robert Bosch sales chief Joseph Borruso likewise was cautious: "A so-called smart air bag must be tailor-made for each vehicle, and requires specific engineering and extensive testing, and each will have gray zones concerning when to deploy and when not to deploy."

General Motors has experimented 20 years with a rudimentary smart technology and still can't guarantee it works.

that the presumed answer to that problem — smart bags — aren't perfect and shouldn't be required without lots of testing.

One wild card in the coming debate is Congress. It already has begun hearings on why air bags turned out to be dangerous to children. And it could overhaul the 1991 law that requires air bags. That law is up for review in 1997. Congress has the authority, if not necessarily the inclination, to scrap the whole airbag mandate.

"The risk is that people might get overly hyped about smart air bags and think that they're out there now and they are the ultimate answer. They're not," Chrysler's Middleton says.

Failed tests

About two weeks ago, GM tested a dual-stage inflator — an evolution of a 20-year-old device designed to puff up air bags more gently in low-speed crashes or when children are near the bags. "The inflator exploded. It wasn't robust enough to contain its own explosive force," reports Bob Lange, GM's top safety engineer. Roughly the same time, a would-be supplier of smart air bags, which Lange won't name, trotted out an advanced system supposed to recognize when a child seat is present. GM engineers tested the system in a simulated panic-stop. It flunked. "We're not there yet," Lange says.

Lange, exasperated by bag suppliers, says they are "all sales pitch." Chrysler's Middleton agrees: "Most suppliers hustling the merchandise right now really aren't whole-system suppliers and can't make the claims about how the whole system works."

Ford Motor, while less blunt, nevertheless is skeptical enough that it has yet to sign any contracts for smart-bag systems. Instead, safety and engineering director Lou Camp says, Ford has a limited "cooperative effort" with TRW to design and develop what would be Ford's first smart system in one unnamed future model.

Bag suppliers say they don't deserve abuse. They see their role not as delivering entire foolproof smart air-bag systems, but rather as devising clever sensors. "The question is what you do with the information," says Harold Joseph, director of sales and marketing for IC Sensors, an air-bag unit of Massachusetts technology company EG&G.

In other words, it's up to automakers to use the signals from those sensors to make bags inflate violently or not, or not at all, suppliers say. And automakers say that those parameters can't be set until the government locks in a definition of what smart bags must do. The government won't say how it proposes to do that for at least a month.

So on the eve of federal pressure to embrace smart air bags, the companies that have to do the work seem stalemated. Nobody's willing to move until somebody else does, partly for fear of wasting time and money on something the government later says won't pass muster. But mainly for fear of lawsuits if a company acts without a mandate from Uncle Sam and someone gets hurt or dies as a result of the change in air bags.

"It's a competitive world. We'd like to be first out with a new system. We'd rush like crazy to get something out," says Chrysler spokesman Jason Vines. "But it's got to be reliable. People sue us for any reason — good or bad."

The debate over smart air bags is taking on some of the same tone, and involves some of the same players, as the initial debate over air bags in cars some 20 years ago. Are they the answer? How fast can they be installed? Who is the villain? Who goes first? Who pays?

Car companies warned back then that air bags would kill children, and it came true. Now car companies are warning



FRIDAY, DECEMBER 27, 1996

PHOTOCOPY
PRESERVATION

Air-bag safety baffles parents

By Earle Eldridge
USA TODAY



FRIDAY, DECEMBER 27, 1996

PHOTOCOPY
PRESERVATION

Most adults don't know how to protect children from the potentially lethal threat of air bags — even though most know air bags can be dangerous, according to an insurance industry study out today.

The Insurance Research Council found that 51% of the 1,991 adults it surveyed were aware of the potential dangers of air bags. That number jumps to 56% among parents with children younger than age 13.

"There is a remarkably high public awareness of problems associated with air bags," said Terrie Troxel, executive director of the council, an insurance industry research group.

Air bags deploy at speeds up to 200 mph to protect the average-size man who isn't wearing a seat belt. But that force can kill children and small adults.

The people the council surveyed didn't know what to do about air-bag dangers:

► Only 27% knew that kids should ride in the back seat to reduce risks from air bags.

► Only 16% knew that rear-facing infant seats should be placed in the back seat, never in front.

Other study findings:

► 67% want air bags in their next car, up from 48% in 1990;

► 72% of parents surveyed want air bags in their next car.

Tim Hurd, a spokesman for the National Highway Traffic Safety Administration, agreed public awareness is growing. "The optimum is to have everyone riding in an air bag-equipped car to be aware about proper use."

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