

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571****[Docket No. NHTSA-03-15351]****RIN 2127-AI34****Federal Motor Vehicle Safety Standards; Child Restraint Systems**

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

ACTION: Final rule.

SUMMARY: This document makes a number of revisions to the Federal safety standard for child restraint systems, including amendments for incorporating improved test dummies and updated procedures used to test child restraints and extension of the standard to apply it to child restraints recommended for use by children up to 65 pounds (30 kilograms). This action strengthens the technical underpinnings of the standard and ensures that a firmer foundation is laid for possible technical improvements in the future. Child restraints will be tested using the most advanced test dummies available today and tested to conditions representing current model vehicles. This final rule fulfills the mandate of the Transportation Recall Enhancement, Accountability and Documentation Act of 2000 that the agency undertake rulemaking on the safety of child restraints.

DATES: The amendments made in this rule are effective December 22, 2003. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of December 22, 2003. If you wish to petition for reconsideration of this rule, your petition must be received by August 8, 2003.

ADDRESSES: If you wish to petition for reconsideration of this rule, you should refer in your petition to the docket number of this document and submit your petition to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mike Huntley of the NHTSA Office of Crashworthiness Standards, at 202-366-0029.

For legal issues, you may call Deirdre Fujita of the NHTSA Office of Chief Counsel, at 202-366-2992.

You may send mail to both of these officials at the National Highway Traffic

Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

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I. Executive Summary

This document makes a number of revisions to Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems" (49 CFR 571.213). The revisions incorporate four elements into the standard: (a) An updated bench seat used to dynamically

test add-on child restraint systems; (b) a sled pulse that provides a wider test corridor; (c) improved child test dummies; and (d) expanded applicability to child restraint systems recommended for use by children weighing up to 65 pounds. This action strengthens the technical underpinnings of the standard and ensures that a firmer foundation is laid for possible technical improvements in the future. Child restraints will be tested using the most advanced test dummies available today and tested to conditions representing current model vehicles. This final rule does not adopt the scaled injury criteria developed for the occupant protection standard (FMVSS No. 208), except that the time interval used to calculate the head injury criterion is amended from an unlimited time interval to 36 milliseconds.

This final rule fulfills the mandate in the Transportation Recall Enhancement, Accountability and Documentation Act (the TREAD Act) (November 1, 2000, Pub. L. 106-414, 114 Stat. 1800) to initiate a rulemaking for the purpose of improving the safety of child restraints.¹

Section 14(a) of the TREAD Act mandated that the agency "initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions." Section 14(b) identified specific elements that the agency must consider in its rulemaking. The Act gave the agency substantial discretion over the decision whether to issue a final rule on the specific elements. Section 14(c) specified that if the agency does not incorporate any element described in § 14(b) in a final rule, the agency shall explain in a report to Congress the reasons for not incorporating the element in a final rule.

In response to Section 14, the agency examined possible ways of revising and updating its child restraint standard. Today's final rule is substantially based on a combination of pre- and post-TREAD Act agency activities, including research studies of child restraints and dummies by NHTSA following issuance of the NPRM. This final rule was also developed based on extensive information provided by comments to the NPRM. Several factors relating to child restraint performance and use in this country guided the agency in its decision-making on this rulemaking, in addition to the statutory mandates

¹ It also follows up on the agency's announcement in its November 2000 Draft Child Restraint Systems Safety Plan (Docket NHTSA-7938) that the agency will be undertaking rulemaking on these and other elements of Standard No. 213 (65 FR 70687; November 27, 2000).