

estimated that if all children ages 0–4 years old were restrained in child restraint systems, 173 lives could have been saved in 1998. Additional studies have shown that as many as 68 additional deaths to children ages 0–6 years old could be prevented each year by eliminating misuse of child restraints. The agency conducts national campaigns to educate the public about the importance of buckling children into child restraint systems.

The second strategy was to improve existing requirements for the performance and testing of child restraint systems. Since NHTSA first began regulating child safety seats in 1971, the agency has made numerous improvements to the original Federal safety standard. On a frequent basis, the agency has issued planning documents or has held public meetings on child passenger safety issues at the attention of the agency and the agency's long view of possible regulatory actions that might be taken in response. The public is invited to comment on the agency's plans. The November 2000 Planning Document announced that the agency planned to undertake rulemaking to update the bench seat and belt geometry used in Standard No. 213's compliance test, revise the crash pulse used in the test, incorporate state-of-the-art infant, 3-year-old and 6-year-old crash test dummies and child-specific injury criteria, and continue efforts working with the Society of Automotive Engineers in developing a 10-year-old child test dummy. The plan also stated that the agency would conduct research into possible side impact test requirements for child restraints and developing a test dummy appropriate for use in side impact tests. In addition, the plan announced that NHTSA would begin testing child restraints in full frontal and side impact vehicle crash tests under the agency's New Car Assessment Program.

The third strategy called for improved mechanisms for getting safety information to consumers, to increase the likelihood that child restraints would be purchased and correctly used. The agency sought to improve the information it provided to consumers, both on the performance and proper use of child restraint systems, as well as on defect investigations and safety recalls.

In November 2000, the TREAD Act was enacted. Section 14 of the TREAD Act directed NHTSA to initiate a rulemaking for the purpose of improving the safety of child restraints and included specific elements, listed below, that the agency had to consider as part of the rulemaking. Most of the elements for consideration had been

included in NHTSA's Planning Document as part of the strategy for improving the safety of child restraints. Thus, Section 14 reaffirmed the importance of the agency's planned programs for amending Standard No. 213. Nonetheless, the TREAD Act had very tight deadlines for initiating and completing the rulemaking which also defined for the agency the actions it could take and complete within those deadlines.

III. The TREAD Act

Section 14 of the TREAD Act directed NHTSA to initiate a rulemaking for the purpose of improving the safety of child restraints by November 1, 2001, and to complete it by issuing a final rule or taking other action by November 1, 2002. The relevant provisions in Section 14 are as follows:

(a) In General. Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

(b) Elements for Consideration. In the rulemaking required by subsection (a), the Secretary shall consider—

(1) Whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

(A) Replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

(B) Reflect the designs of passenger motor vehicles as of the date of enactment of this Act;

(2) Whether to require the use of anthropomorphic test devices that—

(A) Represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

(B) Are Hybrid III anthropomorphic test devices;

(3) Whether to require improved protection from head injuries in side-impact and rear-impact crashes;

(4) How to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

(5) Whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

(6) Whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213) to cover restraints for children weighing up to 80 pounds;

(7) Whether to establish booster seat performance and structural integrity

requirements to be dynamically tested in 3-point lap and shoulder belts;

(8) Whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in [sic] Federal Motor Vehicle Safety Standard No. 213; and

(9) Whether to include [a] child restraint in each vehicle crash tested under the New Car Assessment Program.

(c) Report to Congress. If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

(d) Completion. Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by subsection (a) not later than 24 months after the date of the enactment of this Act.

IV. Responsible Regulation

The agency developed its proposed and final rules responding to the TREAD Act while bearing in mind and in some cases, balancing, several compelling principles and considerations that generally come to the forefront in rulemaking in this area. These are discussed below.

(a) When used, child restraints are highly effective in reducing the likelihood of death and or serious injury in motor vehicle crashes. NHTSA estimates ("Revised Estimates of Child Restraint Effectiveness," Hertz, 1996) that for children less than one-year-old, a child restraint can reduce the risk of fatality by 71 percent when used in a passenger car and by 58 percent when used in a pickup truck, van, or sport utility vehicle (light truck). Child restraint effectiveness for children between the ages 1 to 4 years old is 54 percent in passenger cars and 59 percent in light trucks. The failure to use occupant restraints is a significant factor in most fatalities resulting from motor vehicle crashes. For child occupants less than 5 years old, 45 percent of the 497 fatalities in 2001 were unrestrained.

Over the past decade, the agency has sought to increase use of vehicle seat belt and child restraint systems. NHTSA conducts national campaigns to educate the public about the importance of buckling children into child restraint systems, supports efforts by state and