

4. Leadtime

The agency proposed in the NPRM that manufacturers be provided two years of leadtime, after publication of a final rule, before specifying the use of the CRABI and Hybrid III dummies in compliance tests. The NPRM proposed using the weighted 6-year-old dummy in compliance tests 180 days after publication of a final rule. JPMA supported the addition of the new dummies to the standard, provided that the agency gives "a phase in of at least three years from the issuance of the final rule * * * to avoid costly recertification requirements for existing seats, and to avoid the possible elimination of some current seats from the marketplace." JPMA stated that because of dimensional differences between the proposed CRABI 12-month-old and the 9-month-old dummy currently used to test infant-only child restraints, the commenter believed that the use of the CRABI dummy will likely result in the elimination of current infant-only child restraints. JPMA stated that "millions of dollars of tooling and development testing will be rendered worthless" by incorporating the new dummies and that "[m]anufacturers should be given a longer lead time before having to endure the several financial consequences of these changes."¹⁶ Evenflo commented that the agency "must recognize that the use of the new dummies will have a significant affect [sic] on manufacturers' test costs, which will ultimately be reflected in the price of child restraints."

The agency is providing for a 2-year leadtime for the changeover to the new dummies. As explained above, the agency believes there are safety benefits associated with keeping more infants rear-facing until they are at least 12-months old, which could result from the change to the CRABI and to S5.2.1.1 of Standard No. 213. At the same time, the two year leadtime is provided to lessen the cost impacts of the rule on manufacturers' testing costs (retesting current child restraints on the new seat assembly using the new dummies, and at test speeds closer to 30 mph) and possible retooling costs.

NHTSA believes there also are safety benefits to testing the structural integrity of child restraints recommended for children weighing from 50 to 65 lb. However, an effective date short of approximately two years is not provided for use of the weighted dummy because the rulemaking

incorporating the dummy into 49 CFR part 572 is not yet completed. The NPRM was published May 7, 2003; 68 FR 24417. The rulemaking should be completed with sufficient time to allow manufacturers to certify their restraints to Standard No. 213 by the two-year compliance date.

d. Application of the Standard

Most commenters supported increasing the weight limit in the definition of "child restraint system" above the current 50 lb. The only commenter opposed to any increase was the Automotive Coalition for Traffic Safety, because of concern with the weighted 6-year-old dummy. Of those supporting an increase, a majority supported increasing the weight to 65 lb based on the use of the weighted 6-year-old dummy, with future amendments increasing the weight to 80 lb upon the introduction of the 10-year-old dummy. Advocates stated that it would support increasing the limit to 65 lb upon showing that the weighted 6-year-old dummy (62 lb) is sufficient to assess child restraint use with children weighing up to 65 lb. Graco suggested that the agency should defer increasing the limit to the time the 10-year-old dummy is available.

Several commenters did not support an intermediate level of 65 lb and preferred amending the standard now to specify the application to restraints recommended for children up to 80 lb. Ms. Bidez supported incorporating the 10-year-old dummy in its current form and amending the weight limit to reflect the 80 lb weight of the 10-year-old dummy. AAP recommended using the 5th percentile female to allow regulation up to 80 lb in advance of the 10-year-old dummy. E-Z-On believed that the limit should be extended to 80 lb, and that costs to vehicle and child restraint manufacturers to provide stronger anchorages and hardware would be minimal.

The agency agrees with commenters in that the weight limit in the definition of "child restraint system" should be increased above 50 lb. While the weighted 6-year-old dummy injury measurement reliability may not be sufficient for compliance testing, the dummy is suitable for testing the structural integrity of child restraints up to 65 lb. Use of the weighted dummy provides an interim weight limit in advance of the Hybrid III 10-year-old dummy. The agency is confident in the ability of the 62-lb-weighted dummy to test restraints certified up to 65 lb. There will be only a 3-lb difference between the weighted dummy and the maximum certification weight. The

Hybrid II 3 year-old, weighing 33 lb, has proven efficient at testing child restraint systems certified with a maximum weight of 40 lb.

However, the weighted 6-year-old dummy is not sufficient to assess the dynamic performance of a child restraint in restraining an 80-lb child, and as stated above, use of an alternative dummy to allow increasing the limit to 80 lb is not appropriate. The agency is not confident in the ability of the European P-series 10-year-old dummy to uniformly load the restraint, and the Hybrid III 5th percentile female is 35 percent heavier than the suggested maximum weight of 80 lb.

For the aforementioned reasons, NHTSA is increasing the reference to the weight limit in the definition of "child restraint system" from 50 lb to 65 lb. This amendment, effective in 180 days, affects primarily manufacturers of child restraints recommended for older children, *i.e.*, booster seat and harness manufacturers. The agency does not anticipate that manufacturers will have to redesign their restraints to certify compliance using the weighted 6-year-old dummy. However, the rulemaking to incorporate the weighted 6-year-old dummy into part 572 is not complete, so the agency is specifying that compliance testing with the weighted dummy will not begin for two years. Manufacturers are permitted the option of voluntarily using the weighted dummy prior to the mandatory compliance date.

Several comments were submitted on whether manufacturers should be prohibited from recommending their seats for children of weights higher than the heaviest dummy used to test the restraint. Consumer Union stated that the agency should limit manufacturers' ability to advertise child restraint weight maximums only to the weight of the heaviest dummy used for its certification testing. Alternatively, Consumer Union stated that the agency should develop dummies that are at the maximum weight advertised for the restraint, or require the addition of ballast weights to existing test dummies.

In contrast, TraumaLink believed that manufacturers should be permitted to recommend child restraints at weights above that of the heaviest dummy used to test the restraint. TraumaLink stated that there was no field data to indicate a problem with convertible restraints (typically recommended for children up to 40 lb) which have been tested with a 33 lb dummy (the Hybrid II 3-year-old). Limiting the regulation based on the heaviest dummy, TraumaLink continued, would place artificial limits on the protections afforded children. Similarly, AAP opposed limiting a

¹⁶ The commenter supported the proposal in the NPRM of allowing manufacturers the option of using the new dummies before the mandatory compliance date of the standard.