

**Testimony of Janette E. Fennell
Founder
KIDS AND CARS**

**On
Child Safety in Motor Vehicles**

**Before the
Subcommittee on Commerce, Trade and Consumer Protection
of the House Committee on Energy and Commerce**

June 23, 2005

Mr. Chairman, my name is Janette Fennell and I am the founder and **(formal title)** of KIDS AND CARS, an organization dedicated to improving the safety of children in and around passenger motor vehicles. I wish to thank you and the members of the Subcommittee on Commerce, Trade and Consumer Protection of the House Committee on Energy and Commerce for inviting me to appear before you today to testify on the important issue of child safety. I come before you today because there are a number of legislative measures that Congress can enact this year that will immediately save the lives of hundreds of children each year.

While motor vehicle crashes remain the leading cause of death for children three years of age and older, children are often victims of non-traffic, non-crash incidents as well. Children, especially young children, are unaware of the dangers that they can encounter each day in and around motor vehicles, even vehicles that are not moving. While it is the responsibility of parents and other adults to protect our children, many parents are themselves unaware of the risk to life and limb presented by power windows or even the simple act of backing the family car out of the driveway.

KIDS AND CARS was founded in 19__, and focuses on the dangers encountered by children both inside and outside passenger vehicles, including cars and other light passenger vehicles such as sport utility vehicles (SUVs). The dangers to which children are exposed come from a number of sources. Children can be harmed when they are inside vehicles whether or not the engine is on and the vehicle moving. There has been a good deal of publicity about children who die after having been left unattended in vehicles, but children can also be injured or killed by operation of power windows even when responsible adults are present in the vehicle. Children are also at jeopardy outside

passenger vehicles where they cannot be always be seen by drivers due to blind zones that result from vehicle design. While all passenger vehicles have a blind zone to the rear of the vehicle, the size of the zone increases dramatically in light trucks and SUVs. I have attached a chart depicting the rear blind zone for common classes of motor vehicles.

These are some of the reasons why, according to data and documentation collected by KIDS AND CARS, hundreds of children are killed each year and many more end up in hospital emergency rooms as a result of dangers posed to unsuspecting children by passenger vehicles. While the KIDS AND CAR data is thoroughly documented, we do not have the resources to conduct a census and collect all such incidents nationwide. Yet, the National Highway Traffic Safety Administration (NHTSA) does not include most of the reports of these kinds of child fatalities or nonfatal serious injuries in federal traffic safety databases.

If children were dying by the hundreds on airplane crashes or due to food poisoning this Congress would be racing to enact legislation to correct the problem.

Right now, the House of Representatives has two golden opportunities that would improve the safety of children and save lives. The Senate amendment of the House-passed federal-aid highway reauthorization bill, H.R. 3, the *Transportation Equity Act: A Legacy for Users* (TEA-LU), includes a number of important child-friendly safety provisions that would move the issues I have mentioned in the right direction. In the Senate version, the *Safe, Accountable, Flexible and Efficient Transportation Act of 2005*, Section 7254 provides for a study of the technology available to prevent backover incidents in which pedestrians, especially children, are struck and run over because they are in the blind zone and the driver was unable to see them when backing up the vehicle. The following Section, 7255, would require the NHTSA to collect non-traffic incident data at least biennially, a critical step if we are to understand the true size and scope of the safety problem. In addition, Section 7258 of the Senate amendment provides for a change in power window switch operation that would make these switches less prone to inadvertent use and thus reduce much, although not all, of the danger to children in vehicles with automatic power windows.

Since the House passed bill, H.R. 3, has no comparable provisions to protect the safety of children on these issues, I strongly urge the members of the Committee who are conferees on the House-Senate Conference for H.R. 3, and for other members of the committee to use their influence to support the adoption of the Senate child safety provisions I just mentioned as part of the final H.R. 3 reauthorization legislation.

In addition, the House has the opportunity to build on the H.R. 3 provisions in the Senate-passed bill by moving expeditiously to pass the *Cameron Gulbransen Kids and Cars Safety Act of 2005*, H.R. 2230, now pending in the House. Specifically, this bill would address four critical safety issues for children: 1) provide a more comprehensive improvement in power window protection for children; 2) remind drivers to remove infants when they leave the vehicle; 3) protect children, the disabled, and other pedestrians by ensuring that drivers have good rearward visibility and an unobstructed

view behind their vehicle when backing; and, 4) provide for the regular collection of deaths and injury data in non-traffic, non-crash events involving motor vehicles. These modest and reasonable measures should be adopted because in the 21st century no child should die or suffer needlessly because their head was caught in a power window or because their father or mother could not see that they were playing hide and seek at the back of the family car.

Although KIDS AND CARS focuses on the issue of child deaths and injuries that regularly take place in non-traffic, non-crash incidents, I must also address the fact that children are killed and maimed everyday in the epidemic of motor vehicle crashes that continues to recur on our nation's highways year in and year out. Motor vehicle crashes are the leading cause of death and injury for most children in the United States. According to government data, in 2002 motor vehicle crashes were the leading cause of death in the U.S. for children 3 years and older, indeed for all Americans ages 3 to 33. Crashes were the second leading cause of death among toddlers, ages 1-3. In 2003, 1,198 children under the age of 10 were killed in motor vehicle crashes and 147,000 more suffered injuries, 14,000 of which were incapacitating injuries. *Traffic Safety Facts 2003*, at 86, NHTSA (DOT HS 809-775). Similar totals apply to older children, 10 to 15 years of age, who suffered 1,372 deaths, 145,000 injuries and 14,000 incapacitating injuries in motor vehicle crashes in the same year. *Id.*

The most recent data indicate that adults as well as children are suffering the ravages of motor vehicle crashes. There were a total of 42,800 traffic-related deaths in 2004 (NHTSA projection), continuing the trend of an increasing number of highway crash fatalities even as the fatality rate posts marginal decreases because of the ever increasing number of vehicle miles of travel recorded each year. In order to protect children and all vehicle occupants, common sense and long overdue initiatives must be adopted in order to stem the rising tide of motor vehicle fatalities. Fortunately, the Senate-passed version of H.R. 3 contains a number of measures that will provide greater safety for every member of families across the country – mothers, fathers, children and teens.

Over 10,000 people die each year in rollover crashes. Unbelted occupants are often fully ejected, but even belted occupants can be partially ejected, through windows that break, doors that open, and windshields that pop out of their frame during rollover crashes. In addition, NHTSA has estimated that as many as 1,339 serious and fatal injuries are caused by roof crush intrusion during rollovers. As to children, studies indicate that the risk of being in a rollover crash is 11 times greater for children as occupants of SUVs compared to children who are occupants in passenger cars. Section 7251 of the Senate amendment to H.R. 3 provides that NHTSA is to conduct three rulemaking proceedings to address rollover prevention, occupant ejection, and roof strength, as well as complete the pending rulemaking to upgrade the door lock standard to ensure vehicle doors remain closed during a crash.

The Senate provision would have NHTSA prevent rollovers from occurring by establishing performance criteria consistent with stability enhancing technologies.

Technologies such as electronic stability control (ESC) systems are already showing clear and convincing evidence of success in preventing rollovers and reducing crashes in a number of studies in the U.S. and Europe. ESC has been shown to be effective in reducing single-vehicle car crashes but even more effective in preventing SUV rollover crashes. Moreover, this technology is already standard equipment in most European-built vehicles, and either standard or optional equipment in some top of the line U.S. production models. Adopting ESC technology is already on NHTSA's rulemaking agenda with plans to develop test procedures for ESC and to make a rulemaking decision this year. *NHTSA Vehicle Safety Rulemaking and Supporting Research Priorities: 2005-2009*, Section II.A. Preventing Rollovers, NHTSA (Jan. 2005) (Priorities Plan).

Section 7251 goes on to require NHTSA to establish a standard to reduce full and partial occupant ejection from vehicles in crashes including rollovers. Occupants stand a much better chance of surviving a crash if they are not ejected from the vehicle. According to the agency, from 1999 to 2003 there was an average of 8,584 deaths (and 39,000 injuries) due to occupant ejection in each of those years. Two-thirds of these ejections took place in rollover crashes. (Ejection statistics cover both complete ejection, where a person is unbelted or comes out of their seat belt during the crash, and partial ejection, in which the head or part of the body of the occupant partially extends out of a window or door that has been broken and opened in the crash). According to NHTSA's Priorities Plan, Section II.B. Reduce Occupant Ejections, reducing occupant ejection is also on the agency agenda with a notice of proposed rulemaking on side window occupant containment scheduled for 2006 and a decision on how to proceed on rollover sensors by 2007. The Senate provision gives the agency until October 2009 to issue a final rule on ejection prevention, and 30 months to complete the pending rulemaking to ensure that vehicle doors remain locked and do not open during a crash.

Finally, Section 7251 would have NHTSA address the 34-year-old standard for roof strength, a standard that is widely recognized as out of date and which does not afford occupants basic crashworthiness protections during rollovers. The agency analysis confirms that about "1,400 belted, non-ejected occupants receive a serious or fatal . . . injury to the head/neck/face each year when roof intrusion is present over the occupants' seating position." Priorities Plan, Section II.C. Protect Non-Ejected Occupants. The agency plans to publish a notice of proposed rulemaking on roof crush this year and issue a final rule in 2006. The provision calls for a proposed rule by the end of this year and a final rule by July 2008.

Another important safety provision in the Senate amended version of H.R. 3 is Section 7252, that is intended to ensure that NHTSA completes its pending side impact rulemaking proceeding. This rulemaking is vitally important for providing occupants with side impact air bags for head protection. The Senate set a target deadline of July 1, 2008, for the issuance of a final rule. Given that the proposed rule was issued on May 14, 2004, over a year ago, and that the Senate would allot another three years for a final rule, it is hard to see how a rulemaking period of over four years is unreasonable, especially when most agency rules, even complex ones, are completed well within that time period.

It is clear that Sections 7251 and 7252 of the Senate amendment to H.R. 3 include reasonable measures for the adoption of rules that are necessary for safety. These provisions do not dictate the outcome of any rule – leaving the specific requirements for the agency to determine. Also, the requirements in these provisions only address issues for which the agency has either already issued a proposed a rule or plans to issue a proposal or decide how to proceed in the near future. What’s more, the agency can extend all of the deadlines if there is a need to do so. In an editorial entitled Reducing Rollovers, the *Washington Post* noted this fact and strongly urged the House to accept the Senate measures, concluding that “congressional prodding is not interference, it is in order.” Saturday, June 18, 2005, p. A18.

Lastly, I would like to mention the Senate provision on 15-Passenger Van Safety, another issue of critical importance for children because of the high percentage of such vans that are used to transport children to and from schools and during and after school to extra-curricular school activities. I strongly support the need for the House to adopt, in conference, the requirement that 15-Passenger vans are rated for rollover resistance as part of the NHTSA’s New Car Assessment Program (NCAP), and the restriction on the use of such vans as school buses unless they in fact comply with the motor vehicle standards applicable to school buses.

We cannot wait any longer or stand by while families needlessly suffer the death or serious injury of a loved one. Everyday I work with parents who have had to bury a child and can’t understand why these available and affordable safety systems are not standard equipment on every car sold in the United States. We have vaccines to protect our children from deadly diseases and we make them available to everyone. Now is the time to make these motor vehicle safety vaccines available to every family. I urge the Members of the House Energy and Commerce Committee to support enactment of the Senate motor vehicle safety provisions included in H.R. 3 and to quickly pass H.R. 2230 the Cameron Gulbransen Kids and Cars Safety Act of 2005.