



October 5, 2023

The Honorable Pete Buttigieg, Secretary
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Ann Carlson, Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Dear Secretary Buttigieg and Acting Administrator Carlson:

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization, is writing to urge the National Highway Traffic Safety Administration (NHTSA) to propose strong requirements for systems in passenger motor vehicles to protect children from heatstroke-related deaths and injuries. We consider it essential and practicable for NHTSA to require these systems to provide active detection of an occupant in the rear seat, not just an end-of-trip reminder.

Tragically, about 38 children die each year from vehicular heatstroke. According to data collected by NoHeatStroke.org, 26 children have already died this year. This past summer was the hottest on record, but even on days with mild temperatures, the heat inside a closed vehicle can reach dangerous levels within an hour, posing major health risks to small children or pets left inside. CR's testing has found that even when it was 61° F outside, the temperature inside a closed car reached more than 105° F in just one hour, an extremely dangerous and potentially fatal level for a child.

As you are aware, safety advocates have been calling for years for automakers to incorporate effective heatstroke prevention technology into all new vehicles. In 2021, CR began providing a Rear Seat Safety Score enabling consumers to compare rear-seat safety features across popular new vehicles. In our evaluation of more than 100 vehicle models in the past two years, we have seen 82 models (77% of the total) equipped with end-of-trip reminders and 11 models (10% of the total) with occupant sensing.

CR also recently launched a new baby initiative to help give parents and caregivers additional objective information they can use to make safer choices for their families. As a part of this launch, CR has seen significantly increased interest from consumers in calling for automakers to do more with available technology to prevent child vehicular heatstroke deaths.

In 2019, a group of automakers voluntarily agreed to place rear-seat reminder systems in virtually every vehicle sold in the U.S. by the 2025 model year. In 2021, Congress passed the Infrastructure Investment and Jobs Act, which included a provision directing NHTSA to issue a final rule by November 2023 to require these systems in all new passenger motor vehicles weighing less than 10,000 pounds. The provision requires activation of a distinct auditory and visual alert to remind the operator to check the rear seat when the vehicle motor is turned off.

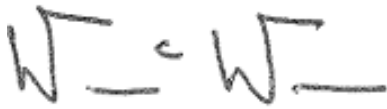
We understand that NHTSA's work to comply with this congressional mandate is delayed, with the agency indicating in the Spring 2023 Unified Regulatory Agenda that it plans to release a notice of proposed rulemaking in February 2024. We also recognize that the agency is actively working on this rulemaking, stating in a September 21 *Federal Register* notice that it is "conducting research regarding the practicability of issuing performance standards that would require detection of unattended occupants in rear seats."

We urge NHTSA to complete any necessary research and move forward expeditiously with a rule to require occupant detection in all new passenger vehicles. An end-of-trip reminder, alone, has significant limitations, and it is especially insufficient in scenarios involving gained access by a child. We are also concerned that end-of-trip reminders may contribute to alert fatigue by consumers and generally will prove to be not nearly as effective as a targeted occupant-detection alert at preventing harm when families need assistance the most. Vehicle models with occupant detection systems are already being awarded by the European New Car Assessment Programme (Euro NCAP) if these systems come standard, which underscores the practicability of a NHTSA requirement for occupant detection and incentivizes the further development of this technology.

Rather than finalizing a rule that requires automakers to equip vehicles with a feature that many are already including as standard equipment, NHTSA should seize the opportunity now to raise the bar on safety and better protect children. Technologies that detect the presence of an occupant in the rear seat are already available, but with limited exceptions, auto manufacturers are not including these lifesaving features as standard equipment across their full lineups of passenger vehicles. NHTSA can save lives and prevent injuries by requiring occupant detection capability in all new passenger vehicles.

Thank you for your consideration. We look forward to providing public comments on the forthcoming proposed rule.

Respectfully,



William Wallace
Associate Director, Safety Policy



Emily A. Thomas, Ph.D.
Manager, Auto Safety Testing



Gabe Knight
Safety Policy Analyst

REFERENCES

Consumer Reports' story on the introduction of its Rear Seat Safety Score, Sept. 28, 2021: "Cars From Ford, Honda, Nissan, and Toyota Top CR's Rear-Seat Safety Features Tests." Online at: www.consumerreports.org/cars/car-safety/rear-seat-safety-score-a6624241141.

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Consumer Reports' story on child vehicular heatstroke, updated Sept. 11, 2023: "Hot Car Fatalities Are a Year-Round Threat to Children and Pets." Online at: www.consumerreports.org/cars/car-safety/hot-car-fatalities-year-round-threat-to-children-pets-heat-stroke-a2015990109.

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NoHeatStroke.org, updated Sept. 13, 2023: "Heatstroke Deaths of Children In Vehicles." Online at: www.noheatstroke.org.