



March 24, 2026

U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Submitted via *regulations.gov*

**Comments of Consumer Reports to the
National Highway Traffic Safety Administration on the
Request for Comments on Vestigial Vehicle Safety Regulations
Docket No. NHTSA-2026-0133**

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization,¹ welcomes the opportunity to comment in response to the National Highway Traffic Safety Administration's (NHTSA) request for comments (RFC) on "Vestigial Vehicle Safety Regulations." CR has spent 90 years using rigorous research, independent testing, and evidence-based advocacy to advance vehicle safety standards that protect consumers. We have championed everything from seat belts and airbags to automatic emergency braking and other crash avoidance technologies. Helping Americans stay safe on our roads is a core public good, and the Federal Motor Vehicle Safety Standards (FMVSS) play a foundational role.

CR recognizes that some vehicle safety standards may require updates where the evidence demonstrates that the original technical approach no longer serves the standard's safety purpose, or that updated testing methods can achieve better safety outcomes. We ourselves have previously asked NHTSA to modernize standards on this basis. But CR has concerns about this RFC's framing and position within a broader deregulatory agenda. Updating a standard to better reflect advances in technology and an evolving understanding of how vehicles are designed and function would be a pro-safety action. Removing a standard to reduce compliance costs at the expense of safety benefits to the public would be a purely deregulatory one. NHTSA should take care not to conflate these two actions as it works through this process.

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on challenges and opportunities for today's consumers, and provides ad-free content and tools to five million members across the United States.

This RFC invites nominations of FMVSS test procedures and requirements that NHTSA should consider for removal. Executive Order 14192,² partly the basis for this RFC, directs agencies to identify at least ten existing regulations to be repealed for every new one they issue, and to count the cost savings from removals against future rulemaking costs. This executive order creates pressure on agencies to target rules that drive significant compliance costs, regardless of their safety value.

High compliance costs alone are not a sign that a standard is obsolete. We would be interested in learning more about the evidentiary factors under which NHTSA will be determining, for instance, which safety standards and regulations “impose compliance burdens that do not result in a measurable increase in real-world safety.” The incentive created by EO 14192 runs in one direction: to find regulations to cut. There is no corresponding pressure in the EO to rigorously establish what safety benefits may be lost. CR urges NHTSA to be explicit about the criteria it will apply and to commit that any proposed removal will be supported by the same quality of safety analysis it would demand from a new rulemaking.

At the same time, we also acknowledge that some FMVSS test methodologies may be out of date, and that updating them could produce better safety outcomes. CR has petitioned NHTSA on this basis.

In January 2025, CR, Green Science Policy Institute, and the International Association of Fire Fighters—with the support of 68 organizations and more than 46,000 consumers—petitioned NHTSA to update FMVSS No. 302 to replace the 1971 open-flame test with a smolder test that manufacturers can satisfy without the use of carcinogenic and neurotoxic flame retardant chemicals.³ The current test procedure does not reflect how most vehicle fires actually start. Fewer than ten percent of vehicle fires originate from open flames or smoking materials, and the overwhelming majority result from mechanical or electrical failures that produce fires too large and too fast for flame retardants applied to seat foam and carpeting to address. Yet manufacturers continue to add certain flame retardants and other toxic chemicals to vehicle interiors, as well as to children’s car seats, to pass a decades-old test that has not kept pace with what we know about vehicle fire risk. A May 2024 peer-reviewed study found harmful flame retardants in the interiors of all 101 vehicles tested across 22 brands. CR submitted that petition over a year ago and has received no substantive response from the agency. NHTSA should treat the effort outlined in this docket as an occasion to prioritize and act on that petition.

Additionally, a 2019 ANPRM from NHTSA identified legitimate technical questions about the tire test procedures in FMVSS Nos. 109, 119, and 139.⁴ CR’s 2020 comments on that ANPRM supported removal of the plunger-based tire strength test for radial tires, noting that it was designed for bias tires and that CR was aware of no field data supporting a need to maintain

² Executive Office of the President, “Executive Order No. 14192, Unleashing Prosperity Through Deregulation,” 90 Fed. Reg. 9065 (Feb. 6, 2025) (online at: www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation).

³ Consumer Reports, “Petition for Rulemaking to Update Federal Motor Vehicle Safety Standard (FMVSS) No. 302, Flammability of Interior Materials” (Jan. 14, 2025) (online at: advocacy.consumerreports.org/wp-content/uploads/2025/01/Petition-to-NHTSA-flame-retardants-in-cars-FMVSS-302-submitted-Jan-14-2025.pdf).

⁴ See Docket No. NHTSA-2019-0011 (online at www.regulations.gov/docket/NHTSA-2019-0011).

it for radial tires.⁵ CR also supported updating the bead unseating resistance test to accommodate larger wheel diameters now common on the road, and removing legacy sidewall markings, including the word “radial,” as redundant to information already conveyed in a tire’s size designation. CR also sees the current process as an opportunity for NHTSA to complete its work updating tire safety standards.

The FMVSS No. 302 petition and the tire ANPRM are grounded in what we know about how vehicle fires actually start and about how modern tires perform. This knowledge is the right type of basis for revisiting a test procedure or requirement. There is a difference between a rulemaking that starts with a safety problem or consideration and works through the costs and benefits, and a process that starts with a complaint over compliance costs and then asks whether the safety benefit justifies keeping it. Cost should of course be a consideration, and NHTSA is required to weigh the costs and benefits of every significant rule. But CR’s concern is that under pressure to find regulations to cut, a standard’s compliance cost could become a proxy for whether it deserves scrutiny, rather than whether it is still providing a proven safety benefit.

CR urges NHTSA to approach this process with the same rigor it must bring to any rulemaking. Where the evidence shows that a test procedure no longer measures what it was designed to measure, or—worse—that it is producing outcomes that run counter to its safety purpose, CR supports acting on that finding. But the existence of this RFC within a broader deregulatory agenda and the pressure to find compliance costs to cut, makes the evidentiary factors NHTSA applies here consequential. By NHTSA’s own account, FMVSS prevented more than 860,000 deaths and 49 million nonfatal injuries between 1968 and 2019.⁶ That record was built by adding safety protections and strengthening them over time. CR will continue to engage with NHTSA to ensure that this process contributes to that record.

Respectfully submitted,

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⁵ Consumer Reports, “Comments of Consumer Reports to the National Highway Traffic Safety Administration on the Advance Notice of Proposed Rulemaking; Federal Motor Vehicle Safety Standards: Tires” (Feb. 18, 2020) (online at: www.regulations.gov/comment/NHTSA-2019-0011-0011).

⁶ NHTSA, “NHTSA: 50 Years of Vehicle Safety Standards Saved Hundreds of Thousands of Lives, Prevented Millions of Injuries” (Dec. 17, 2024) (online at: www.nhtsa.gov/press-releases/nhtsa-50-years-vehicle-safety-standards-saved-hundreds-thousands-lives-prevented).