

NHTSA Proposes Major Retreat On Bumpers

The National Highway Traffic Safety Administration has proposed a sweeping roll-back of its bumper standard to the point that cars would only be required to withstand test impacts at a mere 2.5 miles per hour.

The 50 per cent reduction in speed, from the current five mile per hour requirement, could result in a 75 per cent reduction in protection. This is because the release of damaging energy increases with the square of the impact velocity. The agency issued its proposal on the Friday after Christmas, saying:

“Recent developments in the nation’s economic picture and the characteristics of systems currently being used to comply with the bumper standard have signalled a need to reexamine the basic factors upon which this agency relied in the promulgation of the bumper standard. The continuing pattern of inflation and increasing shortages of some materials and the weight and cost of current bumper designs have altered some of the assumptions underlying the decision to implement the standard as it now exists.”

The proposal would replace current requirements (FMVSS 215) that auto bumpers withstand five mile per hour barrier and pendulum impacts, both front and rear, and pendulum impacts of three miles per hour at each front and rear corner. Nothing but damage to “safety related” items is prohibited in those currently required tests.

The proposal would also supersede an earlier agency proposal, issued in July, 1974, that NHTSA said was aimed at prohibiting any kind of damage to cars in five mile per hour test impacts. (See *Status*

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Report, Vol. 9, No. 14, July 26, 1974.) In the Motor Vehicle Information and Cost Savings Act of 1972, the Congress directed NHTSA to issue standards that would reduce property damage in low speed crashes.

The new proposal affects both the agency's standard prohibiting damage to "safety related" items, and its July proposal aimed at minimizing damage to such things as grilles and fenders. The proposal could become a rule anytime after Feb. 12, 1975. It would require no damage to "safety related" items in front and rear barrier impacts of 2.5 miles per hour and 1.5 mile per hour pendulum impacts at each front and rear corner. Cars manufactured in the latter portion of the current model year would only have to meet

The following editorial is from the Jan. 2, 1975, *Los Angeles Times*.

Tinkering With Protective Bumpers

The most careful scrutiny ought to be given to the U.S. Department of Transportation's proposal to weaken the current federal standard on protective auto bumpers, because the situation is by no means as simple as the department contends.

The proposal, which could become effective as early as mid-February and remain in force until 1980, would reduce from 5 m.p.h. to 2 1/2 m.p.h. the impact speed at which bumpers must be effective. The purpose of the changed standard, says the department's National Highway Traffic Safety Administration, would be to save consumers money.

A less protective bumper wouldn't cost as much as those now required, so cars could sell for less, although auto industry sources have already said that price reductions would not be substantial. Less protective bumpers would also be lighter, meaning that some fuel savings should result. The traffic safety people, echoing the auto industry, maintain that the present bumper costs tend to outweigh average savings on collision repairs over the life of a car. The costs, in short, are greater than the benefits, so it makes no economic sense to put on the bumpers in the first place.

That contention, however, ignores some important points.

No one, including the auto industry, is challenging the effectiveness of the protective bumpers in collisions at speeds of 5 m.p.h. or less. Repair costs for such accidents have dropped sharply, so the bumpers are doing what they are supposed to do. What the industry and the NHTSA are maintaining is that the bumpers themselves are responsible for higher repair costs in accidents that occur at greater speeds, and because of that they represent an investment that is not paying off.

State Farm Insurance gives an important reason why this is so. In 1970, before the protective stan-

dard was on the books, the replacement cost of a new Chevrolet Impala bumper was \$70, not including labor charges. The replacement cost for a 1974 Impala bumper is \$240. For a Ford LTD the jump was from \$68 to \$305. These price rises, incidentally, are being used by auto insurers as arguments for rate increases in 1975.

What it comes down to, then, is that bumper replacement costs, which are a reflection of original equipment charges, have a major influence on the cost-benefit equation that is being cited in favor of weakening the federal bumper standard. The unanswered but relevant question, though, is whether these high costs are necessary. A paper presented last October to the Society of Automotive Engineers argues strongly that in many cases they are not.

Brian O'Neill and A. B. Kelley of the Insurance Institute for Highway Safety suggest that some manufacturers have paid no attention to cost effectiveness in their bumper designs. Put simply, they have not chosen the most economical way to consumers to meet the federal standard. As evidence, O'Neill and Kelley report that replacement prices for 1974 bumpers on seven U.S.-made cars range all the way from \$111 to \$347. For domestic subcompacts alone, the range swings from \$13 to \$67, a fivefold difference. All of these bumpers, it should be kept in mind, must meet the same impact standard.

Cheaper but still protective bumpers, which some manufacturers have shown can be built, would reduce original car prices, bumper replacement costs and overall repair costs, and significantly affect the cost-benefit picture. Why aren't such bumpers being built by all manufacturers then? That, we think, is a key question to be explored before any tinkering is done with the current protective bumper standard.

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these modest impact requirements. Requirements for 1976, 1977 and 1978 model years, although claimed by NHTSA to eliminate essentially all damage in 2.5 mile per hour tests, would actually permit any amount of damage to the bumper and its support structure. Requirements for 1979 model cars weighing more than 3,800 pounds would be “upgraded” to four miles per hour for front, rear and corner impacts. For the 1980 model year, those requirements would be extended to cars of all weights.

COSTLY DESIGNS

NHTSA claimed in its announcement that it has “tentatively determined that the current requirements are not cost-beneficial.” A recent paper prepared by researchers from the Insurance Institute for Highway Safety pointed out that federal safety standards themselves have no cost, but are merely performance requirements that are met by designs chosen by each auto maker. “It is the particular design chosen by a manufacturer to satisfy the objectives of the standard that has costs,” the researchers stressed. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.)

In the case of bumpers, Safety Administrator James Gregory said, in announcing the proposal to weaken the standard, “unfortunately, manufacturers of most vehicles chose to meet the current requirements by using heavy and complex steel systems.” Nevertheless, NHTSA claimed that a weakened standard would encourage auto makers to develop “light-weight, low cost systems, such as the soft face bumper designs, which appear to offer relatively high levels of protection against damage at relatively low weight and cost.” They are “the answer to the problem of providing satisfactory front and rear protection,” the agency said.

“The obstacle to their present use is evidently that further refinements are needed in mass production techniques for these materials, preceding the procurement of tooling,” the agency claimed. However, it “is currently working to develop provisions that will encourage or require” soft face bumpers “with an expected leadtime of three to four years,” NHTSA said.

In the meantime, it asserted, reduced requirements would “allow manufacturers to remove from current bumper designs such major components as the energy absorbing units and the bumper support bar.” This “would be advantageous to the consumer.”

(The Insurance Institute for Highway Safety has tested 1973 model cars, which NHTSA required to withstand only a 2.5 mile per hour barrier rear impact, without damage to “safety related” items. Although the cars met NHTSA’s 1973 requirements, repair estimates in five mile per hour crashes averaged \$117 and ranged from \$54 to \$195. The following year, when the rear impact requirement – again only for protection of “safety related” items – was increased to five miles per hour, the average repair estimate for comparable cars dropped to \$36, with repair estimates ranging from 0 to \$95. See *Status Report*, Vol. 9, No. 2, Jan. 28, 1974.)

NHTSA said its new proposal to weaken its standard and encourage soft face bumpers was based on two staff reports.

The reports compared current steel bumpers with hypothetical soft face bumpers. Other lightweight high-strength alternatives, such as aluminum, are not included in the comparisons, even though some auto makers have used lightweight high-strength aluminum bumper components for several years.

SOFT FACE VS. STEEL

In one report, entitled “Bumper Systems, Soft Face Vs. Model 1974 Steel System,” NHTSA examined “the engineering, economic and national resource feasibility of soft face bumper systems as compared to 1974 model steel bumper systems for passenger cars.” According to the agency, “The study
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concludes that the state-of-the-art in elastomeric material development and application is sufficiently advanced to support the introduction of soft face bumpers in passenger car production applications . . . in approximately 48 months." This would result in "significant savings in weight, costs, energy and repair costs in low speed accidents," NHTSA claimed.

The study mentioned in passing that auto makers could achieve approximately 50 per cent in bumper weight reduction by using aluminum. However, "it appears unlikely any substantial vehicle production will turn to aluminum," the study claimed, despite the fact that aluminum bumper components are currently used by General Motors on all its sub compacts and some of its larger models. Foreign auto makers, including Audi, BMW, Opel and Volvo also use lightweight, high-strength aluminum bumper components.

ALTERNATIVE SYSTEMS

In its other report, entitled "Alternative Bumper Systems for Passenger Cars," NHTSA compared "ten alternative steel and soft-face bumper systems to determine benefits, weight, fuel and cost for various requirements" of NHTSA's safety related and property damage rulemaking. The study concluded that "a 4 mile per hour front, 4 mile per hour rear impact speed, soft-face bumper system providing essentially no damage offers the greatest advantages considering all factors." The study did not include analysis of aluminum bumper components.

Comments on the proposal are due by Feb. 12, 1975. They should be sent to docket 74-11, notice 6; docket 73-19, notice 4, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh St., S.W., Washington, D.C. 20590.

Bumper Standard Rollback 'Grasping At Straws'

Current bumper standards "are not the cause of slumping sales" and, despite pressure from the auto industry, they should not be weakened, Senate Commerce Committee Chairman Warren Magnuson (D-Wash.) has told the National Highway Traffic Safety Administration.

In a strong letter to NHTSA Administrator James Gregory, Magnuson said he is "most disturbed" over the agency's proposed standard that would permit auto makers to "manufacture a bumper similar to that on 1972 vehicles," and able to withstand damage at no more than what he termed "toddler speed." (See story, page one.)

Noting NHTSA's argument that current standards are "not cost-beneficial," Magnuson suggested that instead "current standards should be amended to insure cost-effectiveness. For example, perhaps you should consider including a limit on the weight of the bumper system designed to comply with the standard," he said.

Magnuson, quoting from NHTSA's proposal, noted that manufacturers had "chosen" to meet the current bumper requirements with "heavy and complex steel bumper systems," despite the apparent availability of more efficient, light-weight bumper systems. Magnuson cited the bumper of the Opel Manta, which "weighs one third that of the Ford Pinto system but yet surpasses the performance of the Pinto's system."

Magnuson pointed out that since 1966, auto makers have urged that standards "be written in terms of performance criteria" without specifying the means of achieving such performance. "The industry argued that design standards would inhibit the development of new technology.

“Ironically, just the opposite has been the case . . . little has changed in bumper designs other than the addition of various pieces of hardware. It appears that the industry has chosen the least cost-effective means for the consumer of complying with the standard and has perpetuated clumsy and ineffective bumper designs

“It makes little sense to me that the federal government should retreat from its efforts to make vehicles safe and less damage-prone because many companies have failed to develop cost-effective bumper designs,” he added.

NSC Opposes Moratorium

UAW Calling For Study, Not Moratorium, Official Says

Contrary to widely published reports, the United Auto Workers union is not opposed to current and proposed emission and safety standards, according to a union vice-president. News reports have linked statements by UAW officials with demands by auto makers that a moratorium be put on safety and emission standards.

Meanwhile, the National Safety Council has responded to the moratorium proposal by urging President Ford not to sacrifice improvements in automobile safety in order to curtail expenses in the auto industry. In his State of the Union address, President Ford asked for a five-year moratorium on improved emission standards, but made no similar request for present or proposed vehicle safety requirements.

Quoted Without Comment —

“Some relaxation is necessary, but a complete moratorium for four or five years — I think that’s a mistake because it takes the pressure off Detroit. And I think you’ve got to keep it on Detroit. We’ve seen that in the last several years. The only way we can change is when we keep that pressure on.”

John Sawhill, former Federal Energy Administrator, in an interview on ABC-TV’s January 16 edition of *AM America*, regarding President Ford’s five-year moratorium on emission standards.

Irving Bluestone, UAW vice president and director of the union’s General Motors Department, explained in a letter to the Insurance Institute for Highway Safety that the UAW is asking only that the value of proposed safety standards be studied. “If the objective study indicates the cost-benefit relationship is in fact negative, then the government should consider dispensing with those particular safety requirements.

“On the other hand, if the objective study should indicate a continuing need for the safety requirements . . . then obviously, they should be maintained,” Bluestone said.

“The UAW has through its history demanded that the industry fulfill its social responsibilities as a natural requirement of so important a factor in American life. We have strongly advocated emission controls and safety controls and will continue to do so,” Bluestone pointed out.

Auto makers have contended that emission and safety controls have added to the higher price of new cars. The manufacturers also argue that safety and emission controls cause poorer gas mileage because they add weight to cars.

Union president Leonard Woodcock has met with President Ford and has publicly urged Congress to adopt "what is now only absolutely necessary and to provide a breathing spell which will allow the auto industry to accommodate to the present situation."

However, *The Wall Street Journal* (Jan. 9, 1975) pointed out that while Woodcock supports the industry's plea for eased government controls, he has indicated that "foreign manufacturers have met existing rules with apparently less of a mileage robbing weight-penalty than Detroit's. Since 1967, he says, a Swedish-built Volvo grew by only 138 pounds, or 5.3 per cent, while a Chevrolet Nova bulged by 484 pounds, or 17.5 per cent," according to the newspaper.

Following a December meeting of President Ford, automobile company executives and union officials to discuss the current state of the auto industry, the National Safety Council sent a strongly-worded telegram to the President warning against any curtailment in safety.

Vincent Tofany, president of the organization, told the President, "The National Safety Council feels that such sacrifices would be tragic in terms of human loss and also financially counterproductive, since accidental injuries squander dollars, disrupt work schedules and reduce productivity No dollar can be more productively spent than the dollar that is spent on a wisely designed and vigorously implemented safety effort."

Insurers Opposed Delay

DOT Proceeds With Air Brake Rule

The Department of Transportation has decided against delaying the implementation of its air brake standard. The standard (FMVSS 121) took effect for most trailers manufactured on or after Jan. 1, 1975, and will take effect for buses and most trucks manufactured on or after March 1, 1975.

Less than three weeks before the standard was to take effect, DOT announced it was considering postponing the air brake standard "indefinitely" because of the "worsening national economic situation." (See *Status Report*, Vol. 9, No. 23, Dec. 26, 1974.) DOT's proposed delay brought much sharp criticism from the insurance industry, brake equipment suppliers and other groups, while drawing strong support from many truck and trailer manufacturers and President Ford's Council on Wage and Price Stability.

Safety Administrator James Gregory, said the decision to implement the standard was made because "the immediate economic disruption of a delay of Standard 121 would be at least as great as the difficulties that may be caused by its implementation, and . . . the long term safety benefits will outweigh those difficulties and the costs associated with them."

While the new standard increases the braking capacity of air brake equipped vehicles, it fails to achieve NHTSA's announced goal of ensuring that the "braking performance of . . . large vehicles will compare favorably with passenger cars." Even in 1971, when NHTSA first issued its air brake standard, NHTSA's consumer information publication on 1971 passenger cars showed that 292 of the 331 makes and models listed were capable of stopping from 60 miles per hour under their "most adverse load" in less than 245 feet, the stopping distance allowed air brake equipped vehicles in stops on a dry surface from 60 miles

per hour. (The remaining 39 of the 331 makes and models listed required 245 to 263 feet to stop from 60 miles per hour.) Many of those passenger cars, such as the Volkswagen Beetle and disc brake equipped Cadillacs and Ford Pintos, were capable of stopping in 194 feet or less from 60 miles per hour.

On Sept. 1, 1975, NHTSA's upgraded safety standard for passenger cars and other hydraulic brake equipped vehicles (FMVSS 105-75) will go into effect. The hydraulic brake standard will require passenger cars to stop, under some conditions, in 194 feet or less from 60 miles per hour. The new air brake standard (FMVSS 121) will, require, as of Sept. 1, 1975, conventional air brake equipped trucks and buses to stop in 245 feet from 60 miles per hour. Several auto makers have recently urged DOT to postpone this upgraded hydraulic brake standard. (See story, page 9.)

In comments filed with NHTSA on the proposed delay, the Insurance Institute for Highway Safety told DOT of the preliminary results of an IIHS funded study being conducted by a Maryland public health researcher. The study shows, among other things, that in 131 fatal crashes involving a tractor trailer and another vehicle, "12 per cent of the occupants of tractor trailers were killed, compared to 57 per cent of the occupants of other vehicles," and "87 per cent of people killed in these 131 crashes were in vehicles other than tractor trailers." Of particular relevance to the question of braking standards is the fact that "a tractor trailer was the rear vehicle in two thirds (28) of the 43 crashes in which colliding vehicles had been travelling in the same direction prior to the crash," the study reported.

INSURER COMMENTS

Six insurance companies and one insurance industry trade association filed strong comments with NHTSA opposing DOT's proposed delay of the air brake standard. The insurance companies were The Home, Maryland Casualty, Nationwide, Prudential Property and Casualty, Sentry Indemnity, and State Farm. The American Insurance Association submitted comments on behalf of its membership of 128 property casualty insurance companies.

Several comments noted that the recently enacted Federal-aid Highway Act of 1974 (PL 93-643) permitting heavier trucks on interstate highways markedly increased the need for the new air brake standard. (See *Status Report*, Vol. 9, No. 23, Dec. 26, 1974.) The American Insurance Association told DOT that because the new law "makes the need for adequate braking systems more imperative than ever, we think it would be unconscionable to permit any postponement of the standard." Maryland Casualty stressed the same point arguing that with heavier trucks on the highways, "the public is entitled to the additional protection that standard No. 121, air brake systems, would afford."

The Home Insurance Co. noted that DOT's proposal "speaks of the cost of complying with the standard. It seems to us that such cost must be weighed against the costs in the human and physical resources that are lost to the nation because of the needless deaths, injuries and the destruction of property, including motor vehicles, on the country's highways due to the failure of the present braking systems of trucks and buses." In urging DOT not to delay the standard, Nationwide said that "it would appear clear that any delay will have a double cost to the public: the loss in terms of injured persons and increases in cost in implementing with inflation," that could make later installation more costly.

Noting that an air brake standard is "long overdue," State Farm said that the air brake and other safety standards "should not be delayed because of some ill-defined perception of a 'worsening national economic situation.'" Prudential Property and Casualty told DOT that it "can only deplore a further delay of the standard," which it noted "has already been delayed for two years." Highlighting the effect of any further delay, Sentry Indemnity asked rhetorically, "Will the occupants of vehicles destined to be hit by a truck with braking capacity below the standard be alive to welcome a new effective date?"

TRUCKING INDUSTRY COMMENTS

While many truck and trailer manufacturers supported DOT's proposed delay, there were numerous dissenting voices from other truck and equipment manufacturers.

Several truck manufacturers, such as Diamond Reo, Mack, PACCAR and General Motors, asked for several years delay in the rule, while the Ford Motor Co. asked for an outright cancellation of the standard.

PACCAR SUING

Because of the Department of Transportation's decision to implement the air brake standard, PACCAR, a truck manufacturer, has filed suit in the U.S. Court of Appeals for the Ninth Circuit (San Francisco, Calif.) to overturn the standard. The Court of Appeals has not set a hearing date for the PACCAR suit. Three other companies, International Harvester, Eaton Corp. and Wagner Electric Corp. had warned DOT that they might sue if DOT *delayed* the standard.

Similar requests for delay came from the Steel Carriers Conference of the American Trucking Association and the American Truck Division of the National Automobile Dealers Association.

Siding with industry comments seeking delay, President Ford's Council on Wage and Price Stability urged that DOT "postpone indefinitely" the air brake standard "pending a detailed, formal study of its economic impact." The Council said that all of DOT's "major standard setting actions... should be the subject of formal economic impact analysis." In a memo filed in the air brake docket, NHTSA Administrator Gregory reported that he assured a White House official that the agency was considering the economic impact of the standard.

International Harvester, the largest manufacturer of air brake equipped trucks, told DOT that while it would like changes in the rule, retaining the current effective date of the standard "would cause the least financial impact" on it. IH warned DOT that if the standard were delayed, it would seek reimbursement from the government for "its financial loss." Additional threats of legal action in the event of a delay came from two equipment suppliers, Wagner Electric Corp. and Eaton Corp. Wagner, Eaton and other suppliers such as Kelsey-Hayes Co. and Rockwell International all emphasized to DOT that any delay would have a drastic economic impact on their operations.

OTHER GROUPS

Delay of the air brake standard's effective dates were also opposed by a wide variety of other groups. The American Automobile Association told DOT that "there can be no economic justification for compromising the safety and well-being of 120 million motorists." The International Brotherhood of Teamsters and the Ralph Nader-affiliated Professional Drivers Council for Safety and Health, which have clashed on other issues, both opposed the delay.

In opposing any delay, the Pennsylvania Department of Transportation said that its truck accident investigations show that "inadequate braking requirements constitute a serious problem."

The Consumers Union-affiliated Center for Auto Safety also challenged DOT's proposal as "unwarranted," "unwise" and possibly "illegal." The center said that the proposed delay ran "counter to the policies expressed" by the Congress in the National Traffic and Motor Vehicle Safety Act and "in fact exceed the authority delegated" to NHTSA under the act.

STANDARD PHASE IN

On January 1, standard 121 went into effect for most air brake equipped trailers. The remaining effective dates for other air brake equipped vehicles are as follows:

- March 1, 1975, for most trucks and buses. However, conventional trucks and buses have been granted a five per cent increase in stopping distances until Sept. 1, 1975. "On/off highway" trucks are exempt until Sept. 1, 1975, from all stopping distance requirements except those for a 20 mile per hour stop on a wet surface.
- Sept. 1, 1975, for fire fighting vehicles, which NHTSA generally gives a longer time to comply.
- Sept. 1, 1976, for "heavy hauler trailers," tractor trailers designed to transport automobiles and any vehicles 108 inches or more in width or having a gross axle weight rating for any axle of 24,000 pounds or more.

NHTSA has proposed a permanent exemption from the air brake standard for a "small category of oversize and construction vehicles." The agency said that the oversize vehicles "generally operate in permit or restricted highway operations" and that the construction vehicles involved have a "limited highway speed." The agency plans to issue a final rule on this proposal before March, an NHTSA official told *Status Report*.

Industry Effort Shifts To Stall Hydraulic Brake Rule

Having failed in attempts to delay the federal air brake rule (see story above), truckers and auto makers are now fighting to delay a federal rule that would improve hydraulic brakes. The rule is scheduled to go into effect Sept. 1, 1975, for passenger cars, multipurpose passenger vehicles, trucks and buses with hydraulic brake systems.

In recently filed requests, the American Trucking Association, Chrysler Corp., Ford Motor Co., General Motors and International Harvester have all urged delay or cancellation of the hydraulic brake standard (FMVSS 105-75).

Both ATA and GM requested the Department of Transportation to comply with an executive order (11821) issued by President Ford directing that "major proposals for legislation, and for the promulgation of regulations or rules by any executive branch agency" be accompanied by a "statement which certifies that the inflationary impact of the proposal has been evaluated." The order directs the Office of Management and Budget to establish detailed "criteria and procedures" to be followed in preparing the inflation impact statement. An OMB official told *Status Report*, that OMB is almost finished with the guidelines and plans to issue them within a week.

The executive order was issued on Friday, Nov. 29, 1974, well before the White House's economic policy emphasis shifted from fighting inflation to fighting recession. Even so, not one of the inflation fighting criteria to be considered under the executive order made any reference to acute or chronic impairment of human health or loss of life. Despite the subsequent White House reversal of policy away from fighting inflation, the executive order has never been rescinded.

In its comments urging DOT to eliminate the air brake standard (FMVSS 121), Ford Motor Co. told DOT that it "also urgently recommends an immediate cancellation of the hydraulic brake standard No. 105-75." Ford said that if DOT could not make a "firm decision" on its requests within 30 days, that Ford "urges an immediate announcement of a delay of the standard for at least a year."

Chrysler urged DOT to “suspend indefinitely” the standard “pending a complete review of these standards for cost effectiveness.”

Citing what it claimed were the “negative safety, maintenance and cost-benefit implications” of the standard, ATA asked DOT to “announce a major delay” of three years. GM told DOT that it should avoid “a repetition of the confusion, frustration and uncertainty as that experienced with FMVSS 121 [air brakes]” and “immediately postpone the effective date” of the hydraulic brake standard for three years.

Asserting the upgraded hydraulic brake standard was “fraught with inflationary and unnecessary requirements,” International Harvester asked for a modification of the standard’s requirements and a postponement of its effective date.

A Ford Defect – NHTSA Skirts ‘Basic Issues’

The National Highway Traffic Safety Administration, in a letter of interrogation to Ford Motor Co., has failed to ask the auto maker some key questions that prompted the reopening of the agency’s controversial Ford lower control arm defect investigation.

In September, 1974, an NHTSA official said that the “entire impetus” for the investigation’s resumption came from questions raised in testimonies by the Insurance Institute for Highway Safety, the Center for Auto Safety, and an independent metallurgist. (See *Status Report*, Vol. 9, No. 17, Sept. 27, 1974.)

These testimonies, given in March, 1974, analyzed NHTSA’s previous investigation and questioned its conclusion that more than 300 Ford lower control arm failures did not constitute a defect.

At that time IIHS told the Department of Transportation that DOT had “no alternative but to declare that control arms – a critical front-end suspension component on some 5.5 million 1965-1970 Ford-made cars – are defective and to direct that Ford notify owners of the defect . . .” (See *Status Report*, Vol. 9, No. 6, March 26, 1974.)

Nevertheless, in its recently released interrogatory to Ford, dated Sept. 26, 1974, NHTSA did not deal with what IIHS had termed the “basic issues” raised by its analysis.

The 34 questions NHTSA asked Ford in its interrogatory regarded:

- Ford’s documentation of failures.
- Incidence of failure within fleet vehicles, specifically police cars and taxis.
- Lower control arm replacement data.
- Possible differences in Ford policy in handling lower control arm complaints from individual car owners as opposed to fleet owners.
- The adequacy of Ford records.
- Number of crashes or injuries alleged to have resulted from lower control arm failures and incidence of litigation arising from such crashes or injuries.

- Ford's opinion of the validity of tests conducted with "reassembled" lower control arms specifically provided by Ford for that purpose. Ford had earlier warned DOT that the "integrity of the samples" provided by Ford was "questionable," and therefore test results could be "unpredictable."
- The possible retention of lower control arms by Ford, its dealers, or other agents.

Issues that NHTSA did not address in the questions which it "requested" Ford answer were:

- **The abusive driving claim.** Ford alleged, and DOT agreed on the basis of earlier Ford statements, that lower control arm failures are due to abusive driving rather than to defective vehicles, despite NHTSA and Ford's inability to prove that Fords are driven more abusively than cars of other manufacturers which have no history of such failure. According to the IIHS analysis, in reaching this conclusion DOT ignored its own data on failures in a number of Ford vehicles that NHTSA said were in "almost showroom condition."
- **The influence of vehicle weight.** Lower control arms for most of the 1965-1970 period have a higher failure rate in heavier Ford cars. According to internal Ford memos, damage to lower control arms was expected to "increase due to vehicle weight increase for 1969" models, indicating that the auto maker was aware of a relationship between weight and lower control arm failure. In the 1970 model year a new, thicker component replaced the earlier design to accommodate what Ford termed "the increased Lincoln weight."
- **The inadequacy of Ford's stress analysis.** Syracuse University, engaged by NHTSA as an independent consultant, looked at Ford's stress analysis, on which DOT's conclusion of lower control arm integrity might have been based. The University found the analysis to "have some shortcomings," and, as a result, concluded that the performance of the components tested "cannot be considered indicative of a satisfactory design."
- **Ford assembly malfunction.** Although Ford admitted that the ball joint assemblies were improperly installed in an unspecified number of lower control arms in an unspecified number of vehicles, this was a "random occurrence," according to the manufacturer, and "there is no physical evidence to suggest that the apparent misassembly contributed to the arm fracture." This was contrary to a National Bureau of Standards finding that failures in three faulty lower control arms might have been related to "a possible

Ford Will Name Coleman New DOT Secretary

President Ford has "announced his intention" to nominate William Coleman, Jr., as Secretary of Transportation to succeed Claude Brinegar, whose resignation becomes effective February 1, a White House press release reported.

Coleman is an attorney with a Philadelphia law firm and, according to the *Wall Street Journal*, a director and stockholder of Pan American World Airways.

His legal experience encompasses mass transit and civil rights work, United Press International reported.

misfit between the arm and the ball joint flange.” Ford also admits to having “recently added precision electrical controls to this equipment,” in order to “preclude the possibility of an error in this operation in the future.”

According to an NHTSA official, Ford has responded to its September 26 interrogatory. The official told *Status Report* that he would not make Ford’s answers public.

The Center for Auto Safety is “contemplating” legal action to force NHTSA to divulge Ford’s responses. This would be in mid-February, when a recent amendment to the Freedom of Information Act goes into effect, a member of the center’s staff told *Status Report*.

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the highway
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