

## Conferees Adopt Air Bag Plan

Air bag protection would be offered for sale to the American public by the major auto companies — both domestic and foreign — on at least some 1982 or 1983 model cars if Congress passes a compromise bill approved last week by conferees of House and Senate commerce committees.

The bill (S. 1159) is expected to be voted on in the House and Senate on August 20 or shortly thereafter. If either chamber fails to pass the bill, the result will be a major setback for the long-delayed introduction of air bag technology in new cars. In the House, where particularly strong opposition to the bill is expected from Rep. John Dingell (D.-Mich.) — a longtime foe of air bag technology — committee staffers believe that only a strong show of support for S. 1159 can ensure its passage.

### Conference Proposes Bumper Rule Rollback Through '82

The federal standard requiring that bumpers reduce damage in crashes will be substantially rolled back — but only through the 1982 model year — if a House-Senate conference recommendation is adopted by Congress.

Conferees also accepted a Senate plan to make consumers rather than dealers responsible for warranty registration of automobile tires, and recommended that Congress authorize a legislative veto of future motor vehicle safety standards by the two houses of Congress adopting a concurrent resolution.

The conference adopted the rollback language of a Senate-passed amendment sponsored by Senate Majority Leader Robert Byrd (D.-W.Va.) at the behest of Houdaille Industries, which has a bumper factory in West Virginia. The amendment would forbid the Department of Transportation (DOT) standard from exceeding a 2.5 mph crash test requirement. (The current requirement, which  
*(Cont'd on page 6)*

The House-Senate conferees took up the air bag issue — and automatic restraints in general — because of an earlier House-passed amendment introduced by Rep. David Stockman (R.-Mich.) seeking to emasculate the Department of Transportation's (DOT) automatic restraint standard, FMVSS 208. (See *Status Report*, Vol. 15, No. 1, Jan. 11, 1980.) That standard requires automatic crash protection systems for front-seat occupants be provided in all large cars starting with the 1982 model

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*Editor's Note: This issue of Status Report includes extensive coverage of current Congressional action affecting automatic restraint requirements for future new cars, as well as a summary of the recent New York Times national survey measuring public support for mandatory air bag legislation.*

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year; the standard is extended to medium-sized cars in the 1983 model year and small cars in the 1984 model year.

For months the Stockman amendment, erroneously labeled by its proponents as offering a "consumer's choice" among automatic restraints, was a center of controversy that threatened resolution of the differences between House and Senate  
*(Cont'd on page 3)*

## **Consumer Survey Finds Strong Support For Air Bags**

Strong consumer support for air bags in all new cars has been shown again in a survey commissioned by the *New York Times* that sampled the opinions of licensed drivers and automobile dealers.

In response to the question: "Would you favor or oppose requiring car manufacturers to equip all new cars with air safety bags?", nearly one-half (45 percent) of the licensed drivers said they want air bags to be required. Only 32 percent of those questioned said they are opposed. Drivers under 35 years of age were overwhelmingly in favor of air bags, voting 63 percent to only 21 percent opposed.

### **Auto Dealers Reject Air Bags**

In contrast to these strong preferences, 93 percent of the retail automobile dealers sampled opposed air bag requirements. Asked, "Why," about one-third mentioned such requirements would in some way have a damaging effect on car sales. Dealers in both domestic and imported models answered in almost identical fashion. Dealers in the New York City area were somewhat more in favor of air bags (12 percent) than those in the country as a whole (2 percent).

Results of the *New York Times* survey, carried out by Market Opinion Research of Detroit, showed strong similarities to those of a Gallup Poll conducted more than three years ago. In that poll a public sample was asked the same question on whether they favored or opposed requirements for air bags. The poll reported 46 percent in favor, compared with 37 percent opposed. And the younger respondents (those from 18 to 29 years of age) were strongest in their air bag endorsement, voting 65 percent to 27 percent for air bags. The Gallup survey was made about a month before Brock Adams, then Secretary of Transportation, announced the amended occupant restraint standard (FMVSS 208) under which manufacturers are to phase in automatic restraints in the 1982 through 1984 model years. (See *Status Report, Vol. 12, No. 13, Aug. 15, 1977.*)

### **Mandatory Belt Use Opposed**

Those questioned in the *New York Times* survey were strongly opposed to required use of seat belts. Only 19 percent of the drivers questioned favored "a law that would fine a person \$25 if he did not wear a seat belt when riding in an automobile." Of all those surveyed, 73 percent opposed such a law. In the under-35 category, 69 percent were opposed to and 27 percent in favor of such a plan.

Auto dealers also were questioned about their attitudes on the mandatory seat belt proposal. Favoring the \$25 fine for failure to use seat belts were 16 percent of those surveyed, while 81 percent opposed the idea.

Answers to survey questions confirmed the shift to small cars. Of those respondents who said they are in the market for a new car, more than half (55 percent) said they intend to buy compact or subcompact models. While the under-35 group accounts for only 43 percent of the licensed drivers, the survey report noted that they comprise 66 percent of the subcompact market and 70 percent of the market for imported cars.

## **Anti-Automatic Restraint Provision Adopted By House**

With no advance warning and little debate, the House agreed last week by a voice vote to impose federal spending restrictions on automatic restraints.

The amendment to the Department of Transportation (DOT) appropriations bill for fiscal 1981 was offered by Rep. Bob Traxler (D.-Mich.) and is similar to language added to last year's appropriations bill by Michigan's Rep. John Dingell. (See *Status Report, Vol. 14, No. 15, Oct. 9, 1979.*)

While language offered in previous years had attacked only air bags, this year's rider would prohibit spending to implement or enforce any requirement for automatic restraints of any kind, including passive belts. However, it specifically permits federal spending to go forward on research and development of automatic restraints, and an additional provision has been added which would require the DOT to evaluate the "competitive implications" of the automatic restraint standard.

When offering his amendment, Traxler referred to domestic auto makers' contentions that the standard, as it is written, discriminates in favor of foreign auto makers, since small cars aren't required to have automatic protection until the 1984 model year.

If a compromise authorizations bill (S. 1159) reached by House and Senate conferees is adopted (see story, page 1), the Traxler amendment will have no practical effect, NHTSA officials have said, since the agreement would delay implementation of the standard until 1983 (for large manufacturers) and would reverse the order of implementation, starting with small cars.

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### ***Conferees Adopt Air Bag Plan (Cont'd from page 1)***

authorizations bills. But when the conference committee finally met, Sen. John Warner (R.-Va.) assumed a leading role in working toward agreement.

Expressing dismay over the "national disgrace" of highway fatalities, Warner first offered a plan that would have delayed requirement of automatic restraints one year but then would have required installation of air bags in a given — but unspecified — percentage of an auto maker's production. He also suggested reversing the implementation schedule so that small cars would have the automatic restraint requirement before larger models.

#### **Proposal Breaks Deadlock**

The Warner proposal, offered at the first of two meetings of the conferees, moved the committee toward agreement. After rejecting the Stockman amendment, the conferees worked toward language to ensure that air bags would be provided in at least some new cars in the future. They also indicated interest in easing the present effective dates of the automatic restraint standard. The easing was in response to claims by U.S. manufacturers that the present standard favors the Japanese imports because the imports include no large cars and thus would be unaffected by the standard in its first year.

The language adopted by the conference provides the following:

- FMVSS 208 continues to apply, starting with large cars in the 1982 model year, to smaller car companies. Those are defined as companies that annually produce no more than 1.7 million passenger cars worldwide and annually sell no more than 200,000 in the United States.

- For companies producing and selling more than those numbers of cars, FMVSS 208 is set aside and a new legislative requirement is imposed. The affected manufacturers, makers of Ford, General Motors, Datsun, Toyota, and Volkswagen cars, face a twofold requirement:

1. In the 1983 model year all small cars must be equipped with automatic restraint systems of some type, and in the 1984 and subsequent model years all cars must be so equipped.

2. In the 1982 through 1985 model years the companies will be required to "tool and offer for sale" air bags on at least one of their car lines in each of any three model years. (For a discussion of the definition of car line, see box on page 4.) *(Cont'd on next page)*

This represents a dramatic departure from the present DOT automatic restraint standard. That standard is stated in performance terms, and therefore may be met by any system chosen by a manufacturer. Most manufacturers have indicated they would meet the standard, at least initially, with automatic belts rather than air bags on most, if not all, cars covered by it.

If S. 1159 is passed by Congress, the likelihood is that Ford and General Motors would meet its requirements by offering air bags on only one line of large cars. (This is despite the fact that repeated consumer surveys, including four by General Motors itself, have shown strong buyer preference for air bags over auto-

### ***Another GM Air Bag Commitment?***

How many air bag-equipped cars would the nation's largest auto company be willing to offer for sale each year if S. 1159 is passed by Congress?

Under the narrowest possible definition, a "car line" is any single type of car offered within a "make" of a car. Thus, under S. 1159's requirement that a major manufacturer offer air bags on at least "one car line," GM could attempt to comply with the bill by offering air bags as an option in as few as 55,000 air bag-equipped cars per year — the total production of the Seville "line" of the Cadillac "make" in the 1979 model year.

On the other hand, GM may be willing to offer air bags on a much greater number of cars during the 1983-85 model years — as many as three million cars.

Indeed, it may in effect be committed to do so.

This possibility was raised by GM itself, in a letter written July 24 — shortly before the conferees reported S. 1159 — to Transportation Secretary Neil Goldschmidt. In the letter and an accompanying draft contract, GM president E. M. Estes said that GM would provide "inflatable restraints as an option in our B-C production for the model years 1983, 1984 and 1985. In our case, this would mean that if we so contracted with DOT, on the basis of current sales estimates for our full-size B-C cars, inflatable restraint availability would be offered on about one million cars per year or a total of three million cars for the three year period. Our current projections indicate that about 100,000 full-size car buyers would order the optional inflatable restraint in each of the three years."

In return, Estes asked Goldschmidt to amend FMVSS 208, the automatic restraint standard, so that it would become effective starting in the 1983 instead of 1982 model year, and to phase the standard in beginning with small cars instead of large cars. A few days later, the conference passed the Warner amendment, which legislatively amends the standard essentially as GM has requested.

Since S. 1159 would accomplish what Estes sought for in his letter to Goldschmidt, it is fair to ask whether, if the bill passes Congress, GM would keep its commitment to make air bags available on all of its B-C cars starting in the 1983 model year. However, GM's past record of keeping commitments to offer air bags to its buyers is not a good one. (See *Status Report*, Vol. 15, No. 10, June 25, 1980.)

matic belts, even with substantial price advantages for the belts.) Since the major foreign auto makers sell only smaller cars in this country, they would have to provide air bags on at least one line of such cars.

The language of S. 1159 would exempt Chrysler and American Motors. These companies, however, would remain under the requirements of FMVSS 208.

Also included in the compromise agreement were the following points:

- The DOT would be required to conduct a public information program to inform consumers about air bag and automatic belt performance.

- Automatic seat belts installed in cars beginning in the 1982 model year would be required to be detachable with a single push button latch, similar to the latch systems now found on the manual three-point belts. The provision was added because of fears expressed by some conferees that motorists who object to using the automatic belts might destroy them if they can't be disconnected with ease, thus denying others a chance to use the belts subsequently.

- Starting in September 1981, DOT would be required to submit a plan for evaluating the effectiveness of air bags and automatic belts. Annual reports would be required starting Sept. 1, 1983.

- Failure to comply with the automatic restraint provisions in this bill would be punishable by a \$1,000 a day fine, up to a maximum of \$800,000 a day or \$1,000 a car.

### ***Rep. Stockman And "Consumer Choice"***

Rep. David Stockman (R. - Mich.), who sponsored an amendment that would have emasculated the DOT automatic restraint standard, told both his Congressional colleagues and the public that his purpose was to offer a choice of restraints to consumers.

In June, he told a television audience on the ABC program, "Good Morning America":

"I think the companies should be required to offer air bags or other automatic safety systems. My concern, though, is that the consumer have a choice among the alternative safety systems that are available. I think when the consumer goes into that dealer's showroom, he should have the option of choosing whether to put \$800 down on the table and get an air bag-equipped car, or \$40 down on the table and get a manual seat belt-equipped car, and the choice should be his. That's the real issue here — whether or not consumers will have choice." (See *Status Report*, Vol. 15, No. 9, June 10, 1980)

As it became clear during the waning hours of the conference on July 31 that the conferees were intent on writing compromise language that would, in fact, offer consumers a choice, Stockman told his colleagues this:

"Let me say two things. One, my amendment was not to give the choice to the consumer between air bags, or a passive belt, or an active belt. My amendment gave authority to the consumer between the power to comply with the passive restraint standard or one that has a manual belt through 1982.

"I have indicated I am now willing to drop the amendment, drop the whole idea of choice."

## ***Conference Proposes Bumper Rule Rollback Through '82 (Cont'd from page 1)***

took effect in full for the first time at the start of the 1980 model year, requires that manufacturers equip their new cars with bumper systems that prevent damage to the car and the bumper itself in 5 mph front and rear barrier crashes, as well as 3 mph corner impacts with a test pendulum.)

### **Culmination Of A Long Campaign**

The conference action is the culmination of a campaign that has been waged by Houdaille for more than a year. Both in administrative and congressional demands, Houdaille has sought to have the present standard weakened or scrapped, despite the fact that the best available data — from DOT, the Highway Loss Data Institute, and other sources — show that the result would be substantial increases in costs to consumers for repairing damage in very low-speed car crashes. (For a full history of the bumper standard controversy, see *Status Report*, Vol. 15, No. 8, May 20, 1980; Vol. 15, No. 6, April 15, 1980; and Vol. 15, No. 4, March 5, 1980.)

House-Senate conferees considered but rejected a compromise approach to the bumper standard that would have maintained the 5 mph test requirement for front bumpers of future new cars and would have dropped the requirement to 2.5 mph for rear bumpers only. By limiting the life of the 2.5 mph standard to the 1981 and 1982 model years, however, the conferees may have somewhat weakened the damage that the rollback action would do to consumers. (As passed by the Senate earlier, the rollback would have continued through the 1984 model year.)

### **Implementation Is Uncertain**

It is not yet known how DOT would administer the rollback. Possibly it would issue an immediate amendment to its present standard, reducing the crash test compliance limits to 2.5 mph — in which case they might be automatically restored to 5 mph at the end of the 1982 model year.

Nor is it known which auto manufacturers actually would move to weaken their bumper designs under the rollback. Since design and production decisions for the 1981 model year largely have been made by the major manufacturers, it is uncertain as to which specific vehicles may be made more delicate as allowed by the Byrd bumper legislation, and, if so, when.

In its action on tire registration, the conference accepted an amendment to the Senate bill that would end the mandatory tire registration by tire dealers now required. The National Highway Traffic Safety Administration (NHTSA) had opposed the change, arguing that it would result in a lower percentage of registration. Such registration is important in case a recall is necessary. (See *Status Report*, Vol. 15, No. 7, May 6, 1980.) However, tire dealers' representatives contended a switch to voluntary registration by tire purchasers would eliminate a burden of costly paper work now borne by small businessmen.

The recommendation for a veto of future NHTSA actions by action of the House and Senate represented a watering down of a House amendment submitted by Rep. Elliott H. Levitas (D.-Ga.). The original Levitas plan was to allow a legislative veto of NHTSA actions either by adoption by both houses of a concurrent resolution or by one house disapproving a rule and the other house failing to act. As rewritten by the conferees it would take a vote by both houses to cancel a proposed safety standard.

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## **Safety Group Urges Car And Highway Standard Compatibility**

Highway safety guidelines and standards should be reviewed because of the shrinking size of the car, a federal advisory group has recommended.

According to a draft report by the National Highway Safety Advisory Committee, a group of 35 Presidential appointees, the committee will urge the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) to work together to pinpoint incompatibilities of current safety standards caused by shifting vehicle sizes.

The committee concluded that many crashes are caused by incompatibilities in the driver's environment, rather than driver error, placing him in a "situation that makes the collision unavoidable, a 'Catch-22.'" "

The group also said, "Highway appurtenances that once afforded protection now pose lethal threats to the downsized automobile." For instance, concrete barriers designed to guide straying vehicles safely back onto the road may cause smaller cars to flip over, increasing the severity of the crash. Similarly, sign posts and lamps designed to break away in crashes may not perform as designed when struck by lower, lighter cars, the report said.

One characteristic affected by the reduced car size is lower eye height for drivers of smaller cars, which reduces visibility at hillcrests and intersections, the group said. Another problem is the increasing disparity between the size of trucks and cars, the report said, so that parts such as bumpers may actually be too high or too low to do any good in crashes between cars and trucks.

While it noted that the enormity of the problem is discouraging, the committee said that the Department of Transportation "has a unique opportunity while carrying out its safety charge to make an additional major contribution to other national objectives [such as] health cost containment, fuel conservation, and reduction of pressures on the general fund budget for welfare, disability, and other related social programs."

The group also recommended that government work with auto makers "to voluntarily resolve incompatibilities between their own vehicles and with safety hardware found on the highways."

The final version of the report, containing only minor changes, will be released shortly, a NHTSA spokeswoman told *Status Report*.

## **Clarification**

In *Status Report*, Vol. 15, No. 11, it was reported in the article entitled "U.S. Auto Makers Seek Safety Cutback" that Volkswagen of America "has told the White House that it considers it 'important' to have the automatic restraint rule delayed . . . ." The source of that report was a senior White House official.

A spokesman for Volkswagen of America has informed *Status Report* that the company's stated position in communications with White House officials has been only that it is "important" that FMVSS 208 – the Department of Transportation's automatic restraint standard – should not be amended by the "comfort and convenience" requirements currently being considered by DOT. Adoption of the requirements, the company believes, would "eliminate VW's passive belt system" now being offered in VW Rabbits.

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## Status Report

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