

IIHS Calls DOT Bumper Proposal 'Sham'

The Department of Transportation's proposal to abandon its present and proposed 5 mile per hour bumper standards in favor of a weak, 2.5 mile per hour version is "a cruel sham, worse than no standard at all," according to the Insurance Institute for Highway Safety.

The Institute's president, William Haddon, Jr., M.D., appeared as the opening witness at DOT's February 18-19 hearing on the department's proposal to downgrade present and proposed bumper standards.

(For a complete explanation of present and proposed standards, see table on page 2 and *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.)

In a 90-minute presentation of research films and data, Haddon noted that the federal agency's current plan is intended "to abandon the *present* standard against safety damage to cars in 5 mile per hour front and rear barrier contacts, abandon its *proposed* 5 mile per hour standard against property damage to cars in such contacts, and replace these with *2.5 mile per hour* impact standards." The films and other evidence in Haddon's presentation showed that:

- "The present 5 mile per hour safety related bumper standard has provided long needed, previously unavailable protection to American car owners from wasteful, hazardous disruption of their cars' safety performance."

(Haddon stressed that at present there is "no federal property damage bumper standard in effect in this country.")

- The present 5 mile per hour safety standard "also has provided new car owners with bumper systems that greatly reduce the wasteful, costly damage incurred by earlier-year model cars in very low-speed crashes."

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- New, 1975 model cars tested by the Institute comply not only with the present 5 mile an hour safety bumper standard but also “already meet the property damage bumper standard proposed by the Department of Transportation in August, 1973, forbidding repair damage in 5 mile per hour front and rear barrier contact – a proposal that DOT now wants to abandon.”

- Although some manufacturers have “chosen,” in DOT’s words, to meet the present safety bumper standard with heavy designs, others have done so with “lightweight bumper systems that *also* already meet the proposed five mile per hour property damage standard, and in addition are preventing damage as effectively or more effectively than the heavy systems.

“This makes a joke of claims that the Department’s present standard requires heavy bumpers – a joke to which the Department will become a party if it abandons the present standard.”

1972 MODEL PERFORMANCE

Haddon presented crash test films comparing six 1972 model cars with comparable 1974 and 1975 models in 5 mile per hour front barrier, 5 mile per hour rear barrier and 10 mile per hour front-into-rear impact tests.

PRESENT AND PROPOSED MOTOR VEHICLE BUMPER STANDARDS

MODEL YEAR	1966 ACT SAFETY BUMPER (FMVSS 215)				1972 ACT PROPERTY DAMAGE BUMPER (TITLE I)			
	PRESENT STANDARD ⁽¹⁾		JANUARY 2, 1975 PROPOSAL ^{(2)*}		AUGUST 3, 1973 PROPOSAL ⁽³⁾		JANUARY 2, 1975 PROPOSAL ^{(2)*}	
	Barrier	Pendulum	Barrier	Pendulum	Barrier	Pendulum	Barrier	Pendulum
1973	5 mph front 2.5 mph rear	— —	— —	— —	— —	— —	— —	— —
1974	5 mph front 5 mph rear —	5 mph front 5 mph rear 3 mph corner	— — —	— — —	— — —	— — —	— — —	— — —
1975	5 mph front 5 mph rear —	5 mph front 5 mph rear 3 mph corner	2.5 mph front 2.5 mph rear —	2.5 mph front 2.5 mph rear 1.5 mph corner	5 mph front 5 mph rear —	— — —	— — —	— — —
1976-1979	No Change	No Change†	No Change	No Change	No Change	5 mph front 5 mph rear 3 mph corner	2.5 mph front 2.5 mph rear —	2.5 mph front 2.5 mph rear 1.5 mph corner
1980	No Change	No Change	4 mph front 4 mph rear —	4 mph front 4 mph rear 2.5 corner	No Change	No Change	4 mph front 4 mph rear —	4 mph front 4 mph rear 2.5 mph corner

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(1) Requires no damage to “safety-related” parts such as headlights. Places *no* restriction on damage to other vehicle components.

(2) Proposes that protection of “safety-related” parts be combined with requirements intended to limit “property damage” in the specified test impacts of the vehicle’s bumpers, front, rear and corners. No tests are to be conducted on the vehicle’s sides. For 1976-1978 models, damage would be allowed to the bumper and its support structure, but no damage permitted for other so tested vehicle components. Beginning in the 1979 model year, cars weighing more than 3,800 pounds would be allowed to have no damage, except to a depth of 0.010 inches where the car would contact the test device and within one-half inch of such points. With the 1980 model year, this would apply to all cars.

(3) Proposed no damage to any “safety-related” parts and other vehicle components.

* 1979 models weighing more than 3,800 pounds and all 1980 models would be tested in 4 mph front and rear barrier impacts, 4 mph front and rear pendulum impacts and 2.5 mph corner pendulum impacts at varying heights.

† Pendulum impacts at varying heights added for corners. Previous corner pendulum impacts only at one height.

**COMPARATIVE BUMPER PERFORMANCE:
INSURANCE INSTITUTE FOR HIGHWAY SAFETY CRASH TEST RESULTS
1972, 1974 AND 1975 MODELS**

		5 MPH FRONT- TO-BARRIER	5 MPH REAR- TO-BARRIER	10 MPH FRONT- TO-REAR
1972	CHEVROLET IMPALA	\$153.75	\$197.05	\$425.05
	FORD GALAXIE/LTD	402.10	242.60	689.46
	PLYMOUTH FURY/GRAN FURY	331.15	224.50	420.60
	CHEVROLET VEGA	190.90	274.45	524.28
	FORD PINTO	125.20	267.50	439.65
	AMC GREMLIN	334.65	235.65	352.59
1974	CHEVROLET IMPALA	0	0	195.95
	FORD GALAXIE/LTD	89.10	0	234.10
	PLYMOUTH FURY/GRAN FURY	119.75	95.12	325.89
	CHEVROLET VEGA	70.40	67.80	191.70
	FORD PINTO	4.00	11.00	145.85
	AMC GREMLIN	0	0	152.08
	VOLVO 142	15.56	31.14	83.75
	OPEL MANTA	13.20	0	0
1975	CHEVROLET IMPALA	5.40	0	339.49
	FORD GALAXIE/LTD	4.50	0	96.20
	PLYMOUTH FURY/GRAN FURY	68.82	61.56	375.11
	CHEVROLET VEGA	94.46	48.20	379.54
	FORD PINTO	4.50	0	327.70
	AMC GREMLIN	4.50	0	138.99
	VOLVO 242 DL	12.81	0	0
	VOLKSWAGEN LA GRANDE	18.20	104.25	231.10
	TOYOTA COROLLA	17.70	9.00	175.90
	DATSUN 610	7.20	0	121.96

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The film demonstrated, he said, that in 2.5 mile per hour rear barrier tests the bumper performance of the six new 1972 model cars – “as they were then being designed and produced before any federal standard whatsoever was in effect” – met the 2.5 mile per hour “standard” being proposed now, years later, by DOT.

“Yet those same cars were so designed that they produced in their 5 mile per hour rear impact tests a total of \$1,441.75 in entirely unnecessary repair parts sales and labor costs. Adjusted to reflect current prices for labor and 1972 repair parts, the figure becomes \$1,741.56.”

(For car-by-car figures, see table, above. The year-to-year differences in the six cars’ repair damage performance are shown in the charts on page 4.)

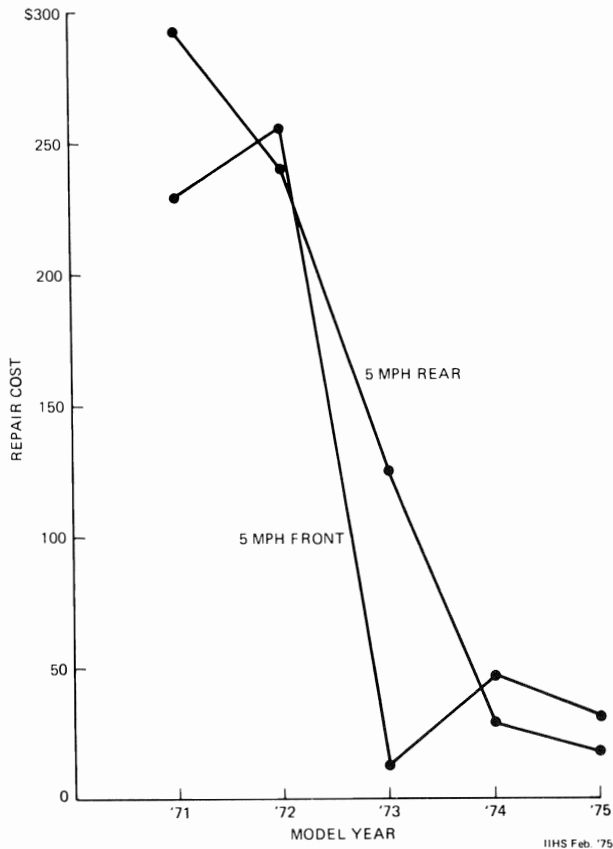
“The public should not be deceived into believing that the downgraded 2.5 mile per hour safety related ‘standard’ proposed now means any protection at all, other than for sales of expensive, fancy, chrome and sheet metal repair parts,” Haddon told DOT. “The more honest way to deprive new car buyers of their present protection against low-speed crash hazards and pocket-picking exterior designs would be to have no standard at all. The result would be virtually the same as a 2.5 mile per hour standard.”

Haddon said that the six domestic 1972 model cars tested by the Institute, “with rear bumpers that complied” with DOT’s proposed 2.5 mile per hour barrier standard, had the following repair damage averages:

- \$256.29 in the 5 mile per hour front barrier contacts;
- \$240.29 in their 5 mile per hour rear barrier contacts, and
- \$475.27 in their front-to-rear 10 mile per hour contacts.

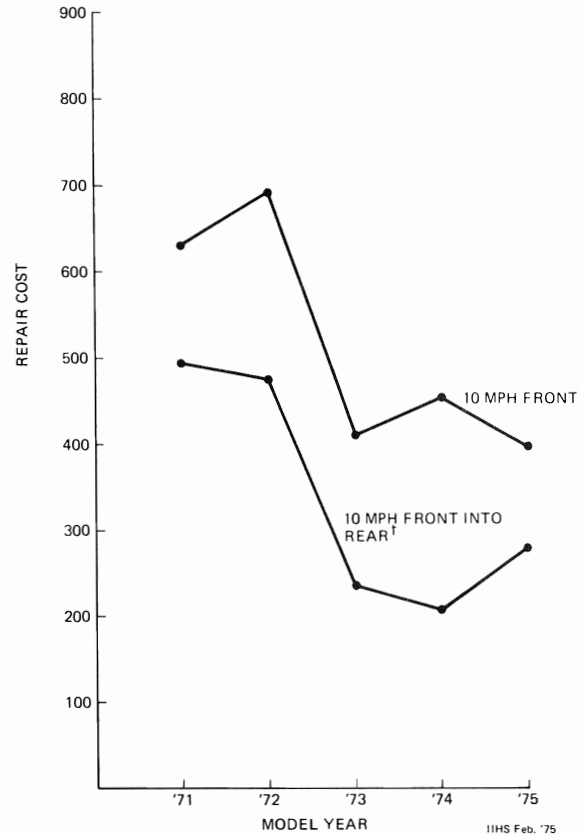
(Haddon added that there was “no reason whatsoever to believe that the front bumpers of these cars did not also comply with the same proposed standard,” and he pointed out that when the Institute tested six additional 1972 models under the 5 mile per hour front barrier standard, five complied.)

FRONT AND REAR-INTO-BARRIER – AVERAGE OF SIX VEHICLES*
INSURANCE INSTITUTE FOR HIGHWAY SAFETY CRASH TEST RESULTS



*Chevrolet Impala, Ford Galaxie/LTD, Plymouth Fury/Gran Fury, Chevrolet Vega, Ford Pinto, AMC Gremlin

FRONT INTO BARRIER AND FRONT INTO REAR
AVERAGE OF SIX VEHICLES*
INSURANCE INSTITUTE FOR HIGHWAY SAFETY CRASH TEST RESULTS



*Chevrolet Impala, Ford Galaxie/LTD, Plymouth Fury/Gran Fury, Chevrolet Vega, Ford Pinto, AMC Gremlin

†Sum of damage to both cars.

In contrast, Haddon said, the comparable 1974 and 1975 models tested by the Institute – which “met the present DOT safety related bumper standard” – had the following repair damage averages in the same tests:

- \$38.70 in the 5 mile per hour front barrier contacts, or an 85 per cent reduction from the 1972 models’ damage cost;
- \$23.65 in the 5 mile per hour rear barrier contacts, or a 90 per cent reduction from the 1972 models’ damage costs; and
- \$241.88 in the 10 mile per hour front-to-rear contacts, or a 49 per cent reduction from the 1972 models’ damage costs.

“Even more striking,” Haddon stressed, was that of eighteen 1975 model cars tested by the Institute to date, eleven already met the Department’s previously proposed 5 mile per hour property standard’s front and rear barrier tests. “Yet the agency would now *abandon* this previous proposal in favor of a meaningless *Status Report*

February 21, 1975

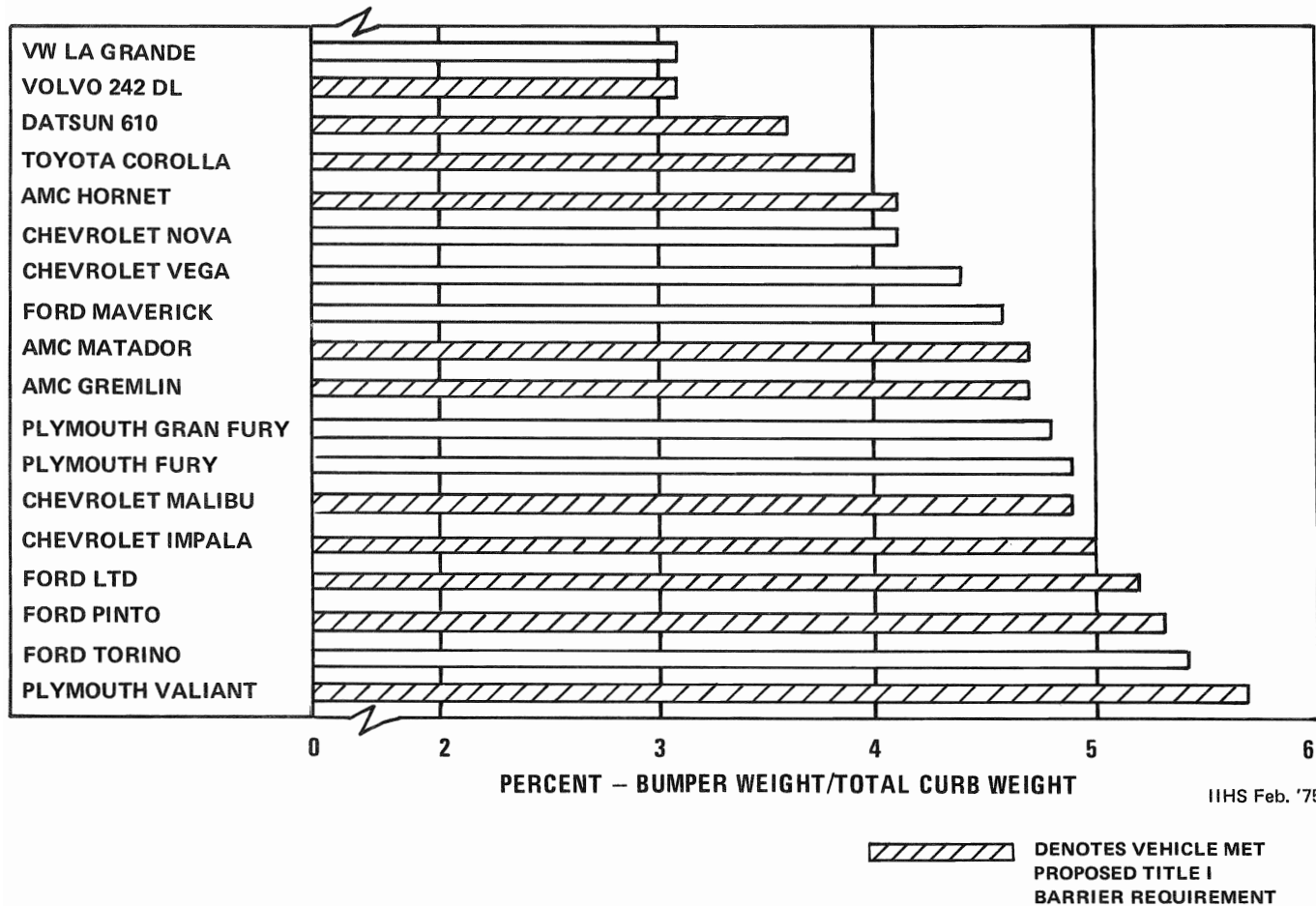
2.5 mile per hour 'standard,' thus denying future new-car owners most of the damage-resistant design advantages available on the 1974 and 1975 models" and "allowing, and probably guaranteeing, that very many future cars would be inferior to those now on dealers' lots."

SAFETY IMPACT

The present 5 mile per hour bumper standard, Haddon reminded the DOT hearing, protects a range of safety related vehicle components – including lights, fuel and cooling systems, hood and door latches, exhaust lines, and braking and steering systems – from failure in low-speed impacts.

Abandonment of the present standard, he said, would deny future new-car owners the assurance enjoyed by owners of 1974 and 1975 models that "in minor traffic jams or parking contacts with other vehicles or fixed objects, their radiators won't rupture, disabling their vehicles; head and tail lights won't be smashed, thus commonly leaving them to drive at night, a hazard to themselves and others; doors won't jam closed, trapping occupants in cars stalled in traffic; hoods won't fly up, blocking their driver's vision; exhaust systems won't spring unseen leaks, allowing escape of deadly carbon monoxide; brakes and steering won't suffer undetected damage that later might well unexpectedly rob the driver of the ability to guide or stop the car in a hazardous situation."

**BUMPER WEIGHT AS A PERCENT OF TOTAL CURB WEIGHT
1975 MODELS CRASH TESTED BY INSURANCE INSTITUTE FOR HIGHWAY SAFETY**



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BUMPER WEIGHTS

Under both the present standard and DOT's proposed, weak standard, "it is entirely up to individual manufacturers to decide whether to offer the public bumper systems that are heavy, costly, hard to repair, and virtually ineffective in preventing damage, *or* bumper systems that are light, economical, easy to repair, and effective in preventing damage," Haddon pointed out.

The present safety standard has brought about large reductions in repair costs to consumers, he said; "Has it also forced manufacturers, as some claim, to put excessively heavy bumpers on their cars? . . . the answer is no."

Of the eleven 1975 model cars shown by the Institute's tests to meet DOT's previously proposed 5 mile per hour front and rear barrier property damage standard, Haddon said three were "models whose bumpers weighed less than four per cent of the vehicle's curb weight." (See bar chart, page 5.)

"Volvo, Opel, Datsun and Toyota are four of the many manufacturers whose lightweight, damage resistant, fuel conserving bumpers for 1975 models show that the spirit of the standard can be practically

Insurers Seek Data On Bumper Proposal

A major segment of the auto insurance industry has demanded in a legal petition that the National Highway Traffic Safety Administration divulge details on information the agency used to determine that its current "safety related" bumper rule and "no damage" bumper proposal should be drastically weakened. The petition also asks that the comment period on NHTSA's proposal be extended until that information can be analyzed.

The petition was filed by the American Insurance Association and the National Association of Independent Insurers — together representing more than 500 auto insurance companies. State Farm Mutual Automobile Insurance Co. and Safeco Insurance Co. also joined in the petition.

Specifically, their petition asks that NHTSA:

- Make "certain essential information" underlying its proposed bumper standard part of its *public* record.
- Hold hearings, in addition to those already scheduled, "to resolve disputed issues of material fact" raised by information already in the rulemaking docket.
- Extend the comment period on the proposal from March 3, 1975, until 60 days "from the date on which the requested information is made available to us or the date on which the fact finding or other hearings are completed, whichever is later."

The insurers and insurance associations specified in their detailed, 13-page interrogatory the documents they need "to comment meaningfully" on the bumper proposal. This request was filed under the Freedom of Information Act. NHTSA was notified that the request will be submitted again on Feb. 19, 1975, the day that amendments to the Freedom of Information Act go into effect requiring government agencies to reply within 10 days to requests for information.

met,” he said. “But other cars show choices of heavyweight systems that waste national fuel and metal resources and consumer dollars. The poor example set by such 1975 model bumper systems as those of the Plymouth Gran Fury, Ford Pinto and Chevrolet Impala indicates strongly that rather than being weakened, the standard should to the contrary be strengthened to prohibit excessively heavy front and rear bumpers.” DOT has “long had statutory authority to take this public interest step,” he said.

Single copies of Haddon’s statement may be obtained by writing to “1975 Low Speed Crash Tests,” Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

Weak Bumper Rule’s Economic Basis ‘Flawed’

The Insurance Institute for Highway Safety has warned the Department of Transportation of “fundamental flaws” in the economic arguments and evidence the agency is using to support its plan to weaken present and proposed bumper standards.

In a presentation to DOT’s hearing on the plan, Brian O’Neill, IIHS’s research vice president, noted that the agency has failed to provide any “valid justification . . . for the proposed virtual abandonment” of its present, 5 mile per hour safety related bumper standard.

Under the 1966 National Traffic and Motor Vehicle Safety Act governing bumper and other *safety* standards, “safety and *not* economic issues” govern DOT’s standards decisions, he said. Yet “all of the information and studies said by DOT to be the basis for the new proposal” to weaken the safety related bumper standard “relate to economic issues; safety issues are ignored.”

DOT has “not provided” any safety justification for changing the standard, so under law it may not weaken it, he concluded.

PROPERTY DAMAGE STANDARD

O’Neill noted that DOT has never adopted a bumper standard to reduce property damage in low speed crashes, although it is required to do so under the 1972 Motor Vehicle Information and Cost Savings Act. (DOT is now proposing a 2.5 mile per hour property damage bumper standard, instead of the 5 mile per hour property damage bumper standard that the agency had been proposing since August, 1973.)

Under the 1972 law, he said, DOT is required to do “a thorough economic analysis of the effects of such a standard” before adopting it. The analysis, he said, must recognize that the standard is a “minimum *performance* and not *design*” standard; “consequently, the standards have *no* costs per se and therefore cannot be evaluated in economic terms . . . specific designs are being evaluated, *not* the standard itself . . . it is the particular designs chosen by each manufacturer to satisfy the objectives of the standard that may have costs.”

Turning to the range of bumper designs available in the real world, O’Neill noted these characteristics:

- “. . . big variations in the weights of the energy absorbers used in the various bumper systems.” It is “apparent” from these, he said, that weight reductions of as much as 100 pounds in a typical car — which DOT has claimed would be possible under a weakened bumper standard — “could be obtained by a more optimum choice of components by manufacturers now, without sacrificing *any* of the present or proposed [5 mile per hour] bumper performance requirements.

“As one among numerous examples, the use on the Ford Torino of energy absorbers weighing the same as those used on the AMC Matador would result in a weight saving of 57 pounds (the energy absorber weights are 78 pounds at present on the former, 21 on the latter).”

- “Huge ranges in replacement prices for bumper systems chosen by manufacturers to satisfy the identical federal minimum performance standards . . . among the three domestic sub compacts, for example, there is almost a \$160 price difference between the least expensive and the most expensive systems . . .” This suggests “that the replacement prices for many bumper systems could be substantially reduced, thus hugely reducing society’s costs,” O’Neill pointed out.

On the basis of such evidence, O’Neill concluded, “It is clear that many of the designs chosen by the manufacturers to meet the requirements of DOT’s safety related bumper standard are very far from minimum cost (to society) designs, and that substantial reductions in price and weight could be achieved without in any way sacrificing the performance required by that government standard. Therefore, any economic analyses of the possible benefits of a property damage bumper standard should, as a matter of common sense, be based on the better designs available.”

SAVINGS OPTIONS IDENTIFIED

Noting that domestic new cars have speed capabilities routinely in excess of 100 miles per hour, O’Neill said, “Such excessive performance indicates that overpowered and, consequently, overweight engines and many associated components are being manufactured and sold to power automobiles on American highways whose maximum legal speed is 55 miles per hour. The fact that the majority of domestic automobiles have maximum speed capabilities approximately double the maximum legal speed means that huge quantities of fuel and many other resources are being wasted.

“Clearly, very substantial reductions in weight and fuel consumption, and perhaps more importantly, major additional safety benefits, could be obtained by producing automobiles without such excessive performance and high speed capabilities. There has been no proposal from DOT since the ‘recent developments in the nation’s economic picture’ to reduce weight and fuel consumption by setting limits on the maximum speed capabilities of cars; instead, DOT proposes to allow manufacturers to produce vehicles allowed to sustain excessive amounts of damage in walking speed crashes.”

O’Neill also noted a recent news report that General Motors “has added between 60 and 125 pounds of various materials in its 1975 models to reduce interior compartment noise.”

“If weight reduction is so important” to manufacturers who want the bumper standard downgraded, O’Neill asked, “why is such weight being added?”

(Cont’d on page 9)

Magnuson Asks Report On Private Meetings

In a letter to NHTSA Administrator James Gregory, Sen. Warren Magnuson (D-Wash.) has asked for a “list of all meetings that your agency’s personnel have held with non-government individuals and organizations in connection with its current proposals for revision” of the current “safety related” bumper rule and “no damage” bumper proposal.

Magnuson asked for complete identification of all parties involved and that Gregory indicate the meetings for which transcripts were kept.

The following article is reprinted with permission from *The National Observer*, February 9, 1974.

OBSERVATIONS

The Five-Mile-Bumper Menace

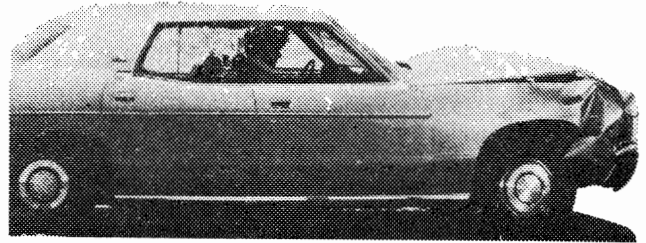
By Morton C. Paulson

"IT'S AWFUL what government does to the American people," contends William Simon, the Treasury Secretary [*The Observer*, Dec. 14, 1974], and James J. Kilpatrick, the right-wing columnist, claps with glee. In their view, government is a menace. While I seldom agree with either of these gentlemen on anything, I must acknowledge that Washington do-gooders, in attempting to solve problems, sometimes create new ones.

Consider the five-mile-an-hour bumper. A few years ago some people in the Transportation Department stopped believing that what's good for General Motors is good for the country and decreed that all new cars must thereafter be equipped with bumpers that could withstand an impact of five miles an hour.

The auto makers patiently explained that safety doesn't sell, and that their design and engineering people couldn't possibly invent such a bumper anyway because they were exhausted from the ordeal of creating all those exotic grilles and tail fins.

Nevertheless, the bureaucrats were adamant, and the automotive moguls somehow came up with a five-mile bumper. So what happened? Well, the bumpers boosted



the price of cars, and so motorists weren't able to spend as much for such essentials as air conditioning, de luxe wheel covers, power seats, stereo systems, automatic door locks, fender skirts, and Kleenex dispensers.

What's more, business fell off at body-and-fender shops. Parts manufacturers suffered. Insurance-claims adjusters found themselves out of work. Some motorists stopped trading in their cars every year or so because there were fewer dings in them.

Hence, it became obvious that the five-mile bumper is a menace to society. Fortunately, the Government appears to be seeing the error of its ways. It is considering proposals to let Detroit replace the five-mile bumper with one that will resist blows of no more than 2½ miles an hour.

This certainly represents progress, but it may not be enough. It stands to reason that if a 2½-mile bumper is better than a five-mile bumper, then no bumper at all would be better than either of them. Think how much *that* would save!

These essays offer varied views of our diverse staff—observations the editors rate worthy of reader consideration.

(Cont'd from page 8)

He concluded:

"The present DOT proposal would allow manufacturers to seriously degrade their products to a degree that damage repair costs comparable to those for the 1971 and 1972 models . . . would result from walking speed contacts. The proposal, in effect, would promote production of products substantially inferior to those now being made. The additional costs of such downgrading to society would be huge, and consequently, this DOT proposal does not make economic sense."

Single copies of O'Neill's statement may be obtained by writing to "Flawed Economics," Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

IIHS Files Protest**Brake Rule Alleged Inflationary**

Auto industry representatives testifying at a National Highway Traffic Safety Administration public meeting claimed that the agency's hydraulic brake standard will provide no safety benefits but only inflationary price increases.

The new standard, to improve hydraulic brakes on passenger cars, multipurpose passenger vehicles, trucks and buses, has been scheduled since September, 1972, to go into effect Sept. 1, 1975. Eight petitions, mainly from truck and auto makers, were recently filed seeking delay or cancellation of the standard (FMVSS 105-75). (See *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.) A major supplier of brake components, Bendix Corp., petitioned for the standard to go into effect as scheduled.

Insurance Institute for Highway Safety Senior Vice President A. B. Kelley wrote to NHTSA head James Gregory, "I wish to protest for myself, and on behalf of the Institute and the public it serves, your agency's unseemly haste to consider requests to downgrade motor vehicle standards that improve the quality of American life, and the consequent lack of adequate opportunity that you have afforded interested parties to present their views before your administration."

Auto and truck makers testifying at the hearing mostly urged delays in implementation of the standard. International Harvester claimed it was "in the public's best interest to delay indefinitely the implementation" of the standard.

Claims of the inflationary impact of the standard were based on alleged increased costs the companies said would be passed on to customers as well as the alleged investment required for tooling. Ford Motor Co. claimed passenger car prices would go up by an average of \$20, light trucks by \$117 and heavy trucks by \$750. Ford claimed investment expenses were approximately \$12 million a month.

The Council on Wage and Price Stability, in response to NHTSA's inquiry, requested an indefinite postponement "pending a detailed, formal evaluation" of the brake standard's economic impact. The council cautioned, however, that it did not believe "that economic impact is the only factor that should be considered" in deciding whether to implement the standard. "Other factors, such as the subjective cost of 'pain and suffering' to individual accident victims, obviously enters [sic] in. We do not suggest that in evaluating the economic impact of proposed activities, agencies strain to quantify these unquantifiables," the council said.

Most of the auto makers want the brake standard divided into two parts. They urge relaxation of the standard for passenger cars and indefinite postponement for trucks "and other vehicle types." Ford recommended an increase of 10 per cent in stopping distances and pedal efforts. Ford claimed such a standard would achieve "something like 75 per cent of the 'improvements' . . . and for approximately 10 per cent of the cost to the consumer that otherwise may be expected"

Chrysler claimed that "without a substantial delay in the effective date, Dodge Truck will be forced to withhold many important models of its product line from the market." General Motors recommended postponement for trucks until a study could be done "which quantifies what requirements may be necessary to meet the safety needs in the field," and added that it would participate in a joint industry-government study.

OPPOSES ANY DELAY

Bendix petitioned NHTSA to adopt no "further modifications" at least until the experience of the 1976 model year with the new standard has been evaluated. Bendix said that their program to meet the new standard would contribute about 800 new jobs in areas of Michigan and Virginia that are experiencing "an increasing rate of unemployment," as well as more new jobs at their suppliers' plants.

Bendix claimed that delay or cancellation of the standard would result in a negative economic impact in excess of \$40 million as well as the loss of the new jobs.

The Center for Auto Safety said that its own "investigation of safety defects which result in the loss of power assist systems" had indicated the physical inability of many drivers to apply adequate brake pedal pressure with present systems during such emergencies, resulting in a "needless waste of lives and dollars." The center said the proposed lower force level in the new standard was one reason it should be implemented "as soon as possible."

REQUESTED POSTPONEMENT OF MEETING

Both IIHS and Consumers Union had petitioned NHTSA for a postponement of the meeting soon after it was announced January 31, less than 12 days before the meeting was to occur. Consumers Union said "the complex subject matter involved and the extraordinary importance of this standard to consumers necessitates the granting of additional time to permit an adequate presentation . . . from interested organizations representing consumers." IIHS said that NHTSA's decision to hold this meeting and the Feb. 17-18 meeting on bumper systems "virtually back to back, on very short notice" had substantially hindered the Institute's "ability to develop and make a full contribution of appropriate, complete data, research results and evaluative conclusions to these dockets."

Neither IIHS nor CU received any reply to these petitions. Gregory, without mentioning these petitions, said at the meeting that he decided to hold it as scheduled since the standard affected "the 1976 models, which as you know are in final stages of preparation for production."

Gregory said he wanted to consider "all interests and points of view on the advisability of postponement or revocation of safety standards in this important area of motor vehicle safety. I would like to emphasize that our minds are open; we have not yet made a decision in this area."

Any further comments on this standard should be sent to: FMVSS 105-75, PRM 000016, Docket Room, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

GM Liable In Camper Deaths

General Motors Corp. has been found liable in the carbon monoxide deaths of three men in a camper unit affixed to a GM pickup truck.

The U.S. Court of Appeals for the Tenth Circuit has upheld a jury verdict against GM in a suit charging that the "defective design" of the GM pickup truck led to the conditions causing the three deaths. The jury awarded the families of the three dead men approximately \$700,000 in damages.

The design in question was a tail pipe “that discharged engine exhaust at a point beneath the approximate center of the truck bed and thus directly under the camper.” Had the truck been equipped with “an exhaust pipe carrying the gases to a point beyond the perimeter of the camper,” the deaths would have been averted, the court ruled.

According to the ruling, the camper had been installed “in standard fashion” on the truck – which had been “specifically advertised by GMC as one suitable for the installation and carrying of a camper unit.”

(Data from a study sponsored in part by the Insurance Institute for Highway Safety showed that lack of a tail pipe, or improper positioning of one, was “the essential problem” in the study’s 15 cases of carbon monoxide poisoning in non-moving vehicles. See *Status Report*, Vol. 8, No. 2, Jan. 15, 1973.)

GM had argued that it was not at fault because the Colorado tragedy had been “the only incident of its kind although thousands of trucks with similar short tail exhausts had been marketed by it and other manufacturers.” The Court of Appeals ruled that GM “is liable for the first accident as well as any other if caused by faulty design.”

GM also based its argument on the results of a GM test that it said showed “conclusively that under no version of the . . . existent circumstances” at the time of the deaths “could sufficient exhaust carbon monoxide enter the camper to cause death.” This was dismissed by the Court of Appeals “. . . in favor of an admitted fact. Massive amounts of carbon monoxide did enter the camper and did kill the decedents.”

The case was *Gardner v. GM*, U.S. Court of Appeals, Tenth Circuit, Civil Action No. 73-1966, decided November Term, 1974.

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the highway
loss reduction

STATUS REPORT

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