

# United States Senate

WASHINGTON, DC 20510

February 14, 2020

## VIA ELECTRONIC DELIVERY

Dr. James C. Owens  
Acting Administrator  
U.S. National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Acting Administrator Owens:

As Ranking Members of the Senate Commerce, Science, and Transportation Committee and the Subcommittee on Transportation and Safety, we write to request that the U.S. National Highway Traffic Safety Administration (NHTSA) act swiftly to finalize a long overdue rule establishing effective side impact performance requirements for all child restraint systems.

The Transportation Recall Enhancement Accountability and Documentation (TREAD) Act of 2000 (Public Law 106-414) required NHTSA to initiate a rulemaking within 1 year of enactment to improve the safety of child safety seats and booster seats, with a focus on minimizing child head injuries in side impact collisions. After NHTSA failed to meet this deadline, Congress enacted the Moving Ahead for Progress in the 21<sup>st</sup> Century or MAP-21 (Public Law 112-141) to require NHTSA to commence and complete this rulemaking within 2 years. Although NHTSA issued a Notice of Proposed Rulemaking in 2014, it has failed to take any further action to comply with this statutory requirement.

There are real world consequences to this inaction. For example, ProPublica reported the details of potential negligence of a booster seat manufacturer, Evenflo, in developing and marketing its “Big Kid” booster car seat product that may fail to protect children in side impact crashes, which accounted for an estimated 25 percent of vehicle collision fatalities for children under the age of 15 in 2018.

Evenflo suggests that their car seat products meet or exceed all applicable Federal safety standards for side impact testing, a claim that appears misleading. Evenflo also asserts that their products meet the company’s own side impact standards. However, alleged videos of side impact testing calls into question the level of protection these standards provide.

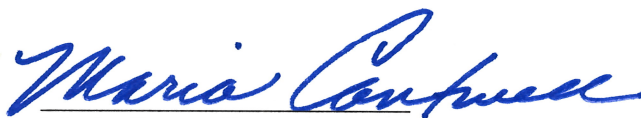
NHTSA’s mission is to save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement. Therefore we ask the following questions:

1. On what date and in what manner did NHTSA first learn about concerns related to the safety performance of Evenflo booster seats in side impact collisions?

2. Evenflo's website states that it provides car seats that are "Side Impact Tested: Meets or exceeds all applicable federal safety standards and Evenflo's Side impact standards." Please identify which applicable Federal Motor Vehicle Safety Standard (FMVSS) addressing side impact performance requirements Evenflo is citing, and confirm whether Evenflo consulted with NHTSA in establishing the company's side impact standards.
3. Has Evenflo's "Big Kid" booster car seat ever failed NHTSA compliance testing under FMVSS 213?
4. What actions has, or will, NHTSA take in coordination with the Federal Trade Commission and the Consumer Product Safety Commission to crack down on false and deceptive advertising by makers of child safety seats and booster seats?
5. When will NHTSA publish a final rule creating a Federal Motor Vehicle Safety Standard that establishes effective side impact performance requirements for all child restraint systems?

NHTSA has a responsibility to ensure that every child restraint system product on the market is accurately marketed, and more importantly, adequately protects children in side impact collisions. Since this issue involves an urgent matter of public safety and products that are being sold on shelves at this very moment, we ask that NHTSA immediately finalize the pending rulemaking adopting side impact performance requirements for all child restraint systems and ensure the requirements provide effective protection. We look forward to your timely response to our questions, no later than March 4, 2020.

Sincerely,



Maria Cantwell  
Ranking Member  
Senate Committee on Commerce,  
Science and Transportation



Tammy Duckworth  
Ranking Member  
Senate Subcommittee on  
Transportation and Safety