TESTIMONY OF

MICHAEL J. STANTON

PRESIDENT AND CEO

ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS, INC.

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Oversight Hearing on Passenger Vehicle Roof Strength

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Good Morning. My name is Michael Stanton, and I am President and CEO of the Association of International Automobile Manufacturers, or AIAM. AIAM represents 14 international motor vehicle manufacturers who account for 33 percent of all light duty motor vehicles produced in the United States. Fifty-five percent of all vehicles sold in America by AIAM members are produced in the United States. Nationwide, AIAM member companies have invested $39.3 billion in U.S.-based production facilities, have a combined domestic production capacity of 4.1 million vehicles, directly employ 92,700 Americans, and generate almost 600,000 U.S. jobs in dealerships and suppliers nationwide. AIAM appreciates the opportunity to present its views to the Subcommittee on the important matters of vehicle rollover crashes and enhanced roof strength.

To summarize our position, AIAM supports Congress' direction to NHTSA to issue upgraded roof strength requirements as part of a comprehensive strategy to address vehicle rollover crashes. We also support the agency's methodology in assessing the costs and benefits associated with various possible regulatory approaches, by focusing on the "target populations" that could potentially benefit from various remedial measures. AIAM continues to urge NHTSA to provide manufacturers adequate lead-time to comply with the upgraded requirements so that roof structure redesign may be incorporated in full vehicle model changes. We also urge the agency to take all appropriate steps to assure that the new roof crush test procedure is fully repeatable.

Rollover crashes are relatively rare events, yet they have disproportionately large safety impacts. On an annual basis, rollovers account for only about 3 percent of vehicle crashes, yet they account for approximately 10,000 occupant fatalities. This represents about one-third of all light vehicle crash fatalities. Therefore, a comprehensive effort to prevent rollovers and improve occupant safety in rollovers is an entirely appropriate priority for Congress, NHTSA, and vehicle manufacturers.

In its August 2005 proposal to upgrade roof crush standards, NHTSA identified several factors that relate to fatalities in rollover crashes, such as high vehicle speed, night driving, a preponderance of young, male drivers, alcohol use, and failure to use safety belts. Most rollover crashes are single vehicle, run-off-road crashes that occur at highway speeds. According to NHTSA statistics, nearly three-fourths of the people killed in rollover crashes are unbelted, with about two-thirds of the fatalities in all rollovers involving occupants being ejected from the vehicle.

Congress has mandated a comprehensive approach to addressing rollover crashes. In the 2005 SAFETEA-LU law, Congress directed NHTSA to address rollover crashes and related safety concerns through rulemaking to mandate the installation of Electronic Stability Control systems (ESC), reduce occupant ejection, improve door lock performance, require the installation of side impact protection air bags, increase safety belt use, and improve roof strength, while

also enhancing NHTSA's consumer information program through vehicle labels. NHTSA is well along in implementing the measures specified in the SAFETEA-LU law. In addition to the roof strength final rule that we anticipate will be issued soon, NHTSA has already issued a final rule for ESC to prevent rollovers, has upgraded its side impact rule, and has issued a final rule to upgrade existing door lock and door retention regulations to help prevent occupant ejections. It is our understanding that the agency plans to propose new occupant retention requirements later this year.

Consistent with the Congressional direction, NHTSA proposed a comprehensive response to vehicle rollovers. This response begins with the preferred approach of preventing the occurrence of rollovers, through such measures as mandating the installation of ESC, the development of other electronic crash avoidance systems such as road departure warning systems, and the 2004 enhancement of the agency's new car assessment program (NCAP) which provides consumers information on the rollover propensity of specific models. NHTSA also noted that enhanced enforcement of impaired driving laws and speed limits would reduce the frequency of rollovers. The agency also presented a series of measures that could mitigate rollover crash injuries, such as the installation of side curtain air bags, improved door and latch systems, improved occupant restraint systems, and enhanced roof structures.

AIAM fully supports this comprehensive approach to addressing vehicle rollovers, as envisioned in SAFETEA-LU and pursued by NHTSA. It is clear there is no single, “silver bullet” that will eliminate rollover crashes and their consequences, given the multiple causative factors and injury mechanisms. We believe the installation of ESC will provide substantial safety benefits – by helping drivers maintain control of their vehicles, ESC will help drivers avoid running off the road and rolling over in the first place. The new occupant ejection mitigation rule is likely to require enhancements to side air bag systems such as increasing the size of the air bags and assuring that the air bags remain inflated for longer periods of time to help prevent ejection. This has the potential to address some of the two-thirds of rollover fatalities involving occupant ejection. Continued efforts in the areas of alcohol counter-measures and speed enforcement will also provide significant benefits. Additionally, states and the industry have undertaken efforts to increase safety belt use, and in 2007 safety belt use in the United States was 82 percent.

AIAM supports NHTSA’s approach for analyzing the costs and benefits of the various rollover mitigation initiatives. The agency’s methodology focuses on a “target population” of injuries and fatalities that potentially could be addressed by a particular remedial measure, in an attempt to sort out the separate effects of these measures. Of the SAFETEA-LU rulemaking initiatives, AIAM believes that equipping vehicles with ESC is likely to provide the most significant reduction in serious or fatal injuries in vehicle rollovers. In fact, NHTSA estimates that ESC

has the potential to prevent more than two-thirds of passenger car and SUV rollovers that would otherwise occur in single vehicle crashes. Manufacturers are working to install ESC in vehicles ahead of regulatory deadlines, and for Model Year 2008, AIAM members offer over 170 models with ESC as either standard or optional equipment.

Regarding the NHTSA roof strength rulemaking, AIAM has provided comments to NHTSA in response to the agency's August 2005 Notice of Proposed Rulemaking and the January 2008 Supplemental Notice of Proposed Rulemaking (SNPRM). A primary concern of AIAM is that the agency provide adequate lead-time for manufacturers to comply with the new roof crush requirements. Although we cannot yet fully quantify the impact of the agency's recently proposed two-sided test on current / future models, as a general matter manufacturers would need to redesign the roof structure and all related components to comply with the new test requirements. The NHTSA SNPRM references a study indicating that weight increases may be avoided if sufficient lead-time is provided in the final rule to allow for necessary design and weight modifications to be incorporated at the time of full or major model changes. Changes implemented under other circumstances would tend to involve the addition of weight, which conflicts with NHTSA's new CAFE / greenhouse gas standards and a market environment of sky-rocketing fuel prices. If roof-related changes can be implemented at the time of a full model change, high-strength materials and more sophisticated structures may be used to achieve a more

favorable overall result. Therefore, AIAM has strongly urged the agency to provide sufficient lead-time in the final rule so that modifications to roof structure and related components may be implemented in accordance with the timing of full or major model changes. Since many full or major model changes are on five, six, or more year redesign cycles, we suggest, depending on the requirements in the final rule, three years lead time in addition to at least a three-year phase-in period. Provisions for earning credits for early compliance should also be adopted.

In our comments on the SNPRM, we also requested that there be a Small Volume Manufacturer (SVM) provision that would delay compliance to the 100% date for manufacturers that produce less than 5,000 vehicles for the United States market. NHTSA has included a SVM provision in major recent rulemakings (FMVSS 208, 214, and 301 for example) to allow low volume / single line manufacturers sufficient time to redesign and test their vehicles. Without such a provision, the smaller companies would, in effect, have to meet the requirements for 100% of their vehicles at the beginning of the phase-in period.

In our comments on the SNPRM, we also noted the agency has proposed a number of significant changes from the 2005 proposal. Among these is the adoption of a two-sided test, but an updated agency cost-benefit analysis reflecting the new changes is not currently available. Among the factors that we

noted that are potentially critical to the selection of optimal test requirements in the final rule are: (1) the need to consider actual maximum weight capacity of vehicle designs; (2) incorporation of the safety benefits of ESC and side curtain airbags; (3) adjustment to a more realistic fuel price; (4) a more definitive determination of the frequency of multiple roof contact crashes for various vehicle classes and the safety significance of these crashes; and (5) consideration of compliance lead-time in relation to vehicle design cycles. The potential use of a new test device to measure head contact/intrusion also presents a degree of uncertainty regarding the achievement of an optimal trade-off between costs and benefits. Therefore, AIAM requested that the agency provide an opportunity for comment on a full cost-benefit analysis reflecting the elements of the final rule. We cannot provide a detailed assessment of the roof strength performance requirements until we have had the opportunity to review such an updated analysis.

The AIAM comments also provided suggestions related to the proposed tests in order to improve the repeatability of compliance test results. Repeatability of compliance test results is critical, so that manufacturers can be reasonably assured that their vehicle designs will meet the new standards when tested by the government. In particular with regard to the test repeatability concern, we would strongly oppose the required use of a dynamic test for assessing roof strength. We have seen no indication that such a test could be made adequately repeatable to meet legal requirements, nor have we seen any indication that

such a test would provide safety benefits beyond those of the tests that the agency has proposed.