

May 13, 2011

David L. Strickland  
Administrator  
National Highway Traffic Safety Administration  
400 Seventh Street SW  
Washington, DC 20590

**RE: Petition for Rulemaking – Review and Update of Child Restraint Labeling Requirements, with Specific Revision Suggested for Wording of Labels Regarding Minimum Turnaround Criteria and Usage Ranges**

Dear Mr. Strickland:

In accordance with 49 CFR 552, we are submitting this Petition for Rulemaking on behalf of the undersigned. The signers request that NHTSA review and update, as needed, the labeling requirements in section 5.5 of 49 CFR Part 571.213 “Child Restraint Systems” (“FMVSS 213”). In particular, two subsections are of immediate concern and are covered in detail here, with suggestions for revision. **The first (Section 5.5.2(k)(2))** addresses the wording for the label that warns that car seats should not be turned to the forward-facing position before the child has reached a minimum turnaround weight. It currently specifies:

“In the case of a child restraint system that is designed to be used rearward facing for infants and forward facing for older children, the statement: Use only in a rear-facing position when using it with an infant weighing less than *(insert a recommended weight that is not less than 20 pounds)*.”

**The second (Section 5.5.2(f)(1-4))** addresses the label wording that communicates the child weight/height range during which the child restraint may be used. Depending on the type of child restraint, there are four wording choices. For instance, Option 3, which is commonly used for convertible and harness-to-booster child restraints, reads:

“Use only with children who weigh between \_\_\_\_ and \_\_\_\_ (English and metric units), and whose height is between \_\_\_\_ and \_\_\_\_ (English and metric units).”

We support the intent of the language in these labels. The purpose of the first is to keep vulnerable infants rear facing until they meet a minimum turnaround size. The second recognizes the need for consumers to be able to determine if their child is of an appropriate size to use the restraint. However, the wording of these labels has long caused confusion for caregivers and Child Passenger Safety Technicians (CPSTs), as will be described below. Additionally, the labeling requirements no longer reflect current best practices. We therefore submit this petition to revise these labeling requirements.

**Reasons for this petition:**

**Section 5.5.2(k)(2) (Minimum Turnaround Weight):**

- 1) The most current policy statement from the AAP, released March 21, 2011, recommends that infants stay rear facing as long as the child still meets the child restraint height and weight requirements for riding in the rear-facing mode, with age two as a general guideline. Simultaneously, NHTSA updated its recommendations to urge that children from 1 to 3 years of age be restrained rear facing as long as they still fit in the rear-facing child restraint. These recommendations no longer lend themselves to a simple expression of a minimum turnaround weight; therefore we propose revised label requirements that reflect the updated guidelines.
- 2) Another concern is that the current wording of this mandatory label often causes confusion on the part of caregivers and child passenger safety technicians because its intent is often mistaken for the *maximum* rearward-facing weight limit certified for the child restraint, rather than the *minimum* turnaround weight. Since 1999, many child restraints that can be used rearward facing and forward facing (“convertible child restraints”) have had rearward-facing weight limits greater than 20 pounds, and all those made today can be used rear facing up to at least 30 pounds and as high as 45 pounds. Since most manufacturers currently insert the minimum-allowed 20 pounds on these labels, and the label is often misread to mean the upper weight limit for riding rear facing, the result is that many infants today are mistakenly moved to the less-protective forward-facing position earlier than necessary.
- 3) Given the fact that current child restraints can be used rear facing to relatively high weights (many as high as 40-45 pounds), a label that refers to rear-facing occupants as “infants” does not accurately describe the situation, and undermines NHTSA’s guideline that children are safer riding rear facing as long as possible.

**Section 5.5.2(f)(1-4) (Usage Range, Weight and Height):**

- 1) Most child restraints that use this label have two or three modes of use, each of which has its own upper and lower weight and height limitations. Though these limits are communicated by the manufacturer on other labeling and in the instructions booklet, the FMVSS required labeling that refers only to the overall usage range very often confuses consumers and child passenger safety technicians. For instance, on convertible car seats, it is routinely mistaken to mean that the restraint can be used for all weights using either the rear- or forward-facing mode, when in fact the upper portion of the weight range is only for use in the forward-facing mode. In harness-to-booster models, it often leads caregivers to use the harness to the highest overall weight, when in fact some portion of the upper weight range is for booster mode only. Similar misunderstandings can be made regarding the lower end of the overall weight range.

- 2) Option 2 for the usage range label (Section 5.5.2(f)(2)) specifies the weight and height, and additionally requires that the child be “capable of sitting upright alone.” Presumably, the intention was that this would be a wording option that might be selected for child restraints that can be used only in modes that are forward facing. However, the ability to sit upright is no longer considered by any expert to be relevant criteria in this situation.
- 3) Although the height of the child is an important indicator of fit, overall child height is not the most useful measure. Instead, all child restraint models describe the way to visually determine whether the child is of a suitable stature for each mode. Typically, the child’s head must be at least an inch below of the child restraint’s plastic shell for the rear-facing mode. For forward facing, usually the top of the ears must be below the top of the plastic shell and the shoulders must be below the top harness position. Because body proportions can differ, the overall height cannot accurately be used to translate to proper fit in these cases, which mostly depend upon seated height.

**Proposed Wording Revisions:**

To address both the need to advise caregivers to keep children rearward facing as long as possible, and to communicate the usage ranges allowed, this petition suggests the wording below to replace that which is currently required by FMVSS 213 Sections 5.5.2(k)(2) and 5.5.2 (f)(2-4). On convertible car seats (ones that can be used in rearward- and forward-facing modes), it is especially important to consider whether the language of these two requirements is worded in such a way as to be clear to consumers when presented on the same label (a shortcoming of the current language).

**Proposed revision to Section 5.5.2(k)(2):**

**“Children should ride rear facing until age 2, or as long as possible. *Never* turn this child restraint forward facing with an infant less than \_\_\_\_\_ (*insert an age not less than 1 year of age*).”**

**Proposed revision to Section 5.5.2(f)(1-4):**

**“This child restraint may be used (*if appropriate*) rear facing with children who weigh \_\_\_\_\_ to \_\_\_\_\_ pounds (\_\_\_\_ to \_\_\_\_ kg); (*if appropriate*) forward facing with children who weigh \_\_\_\_\_ (*insert a weight that is at least 20 lbs.*) to \_\_\_\_\_ pounds (\_\_\_\_ to \_\_\_\_ kg); (*if appropriate*) as a booster with children who weigh \_\_\_\_\_ to \_\_\_\_\_ pounds (\_\_\_\_ to \_\_\_\_ kg). Also, follow height requirements described in the owner’s manual, up to a maximum of \_\_\_\_\_ inches (\_\_\_\_ cm).”**

The proposed language is consistent with the intent of the existing FMVSS 213 requirements while conveying the current best practice recommendations for riding rear facing as long as possible. To satisfy liability concerns, it continues to provide an absolute minimum turnaround age. The rewording of this statement, which begins with

May 13, 2011

Page 4

the strong word “Never” in italics, eliminates the chance that this will be confused with guidance for maximum rear-facing use.

The second section clearly states the allowed weight range for each usage mode. This information can still be used to determine the overall usage weight range, but the added detail greatly reduces the likelihood that the consumer will neglect to adhere to specific size limitations for each mode of use. The caregiver can determine whether their child’s height is within the maximum for the seat, but is alerted to important information on height that is found in the owner’s manual.

Care was taken in the proposed wording to be clear but concise, understanding that space limitations exist on current labeling.

Thank you for your time and consideration of our petition. Please contact us if you have any questions.

Sincerely,

*Dave Sander*

Dave Sander  
Engineering Group Lead  
Evenflo Company, Inc.  
225 Byers Road  
Miamisburg, OH 45342

*Denise Donaldson*

Denise Donaldson  
Editor  
Safe Ride News  
P.O. Box 38  
Edmonds, WA 98020

/attachments: signature pages

FMVSS 213 Section 5.5 petition signature page.

Signatures indicate support of this petition that urges NHTSA to review and revise the label requirements (Section 5.5) of FMVSS 213.

Name: \_\_\_\_\_  
CPS Technician/Instructor number: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
CPS Technician/Instructor number: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
CPS Technician/Instructor number: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
CPS Technician/Instructor number: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
CPS Technician/Instructor number: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signed: \_\_\_\_\_