



July 23, 2021

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To: Docket Numbers NHTSA-2013-0055, NHTSA-2020-0093,
NHTSA-2014-0012, and NHTSA-2014-0123

Subject: May 27, 2021 Summary of Meeting with JPMA

SUMMARY

On May 27, 2021, at the Juvenile Products Manufacturers Association's (JPMA) request, National Highway Traffic Safety Administration (NHTSA) staff met with representatives from JPMA through the web-conferencing application, Microsoft Teams. The virtual meeting involved various issues of interest to the JPMA membership. A copy of the agenda is attached to this memorandum. Due to time constraints, agenda items i.i *OBSR Update* and i.ii *CPS Week 2021* were not discussed in detail.

The following is a list of meeting attendees from NHTSA and JPMA.¹ Some attendees may not have attended the entire meeting.

NHTSA Attendees:

Kelley Adams-Campos, Rory Austin, Colleen Bendig, Claudia Covell, Glendedora Dolce, Laura Dunn, Cristina Echemendia, Lauren Firey, Dee Fujita, Ian Hall, Judy Hammond, Thomas

¹ NHTSA staff took attendance at 10:25 AM. Attendees who joined the meeting after 10:25 AM may not be included. Two additional JPMA members called-in to the meeting via a phone or cellphone.

Healyz, Natasha Iwegbu, Paloma Lampert, Allison Loudon, Peter Martin, Alope Prasad, Carla Rush, Leah Scully, Patrick Smith, Stephen Summers, Whitney Tatem, Julie Vallese, Christine Watson, Kedryn Wietholter, Don Willke, Samuel Wilson, and Elizabeth Wolfe.

JPMA Attendees:

Andrea Agrati, Clair Arsenault, Sean Beckstrom, Zach Bertram, Corey Campbell, Brian Coffman, Joe Colella, Curt (last name not listed), Eric Dahle, Dan Desimone, Anna Early, Tim Edwards, Vera Fullaway, Paul Gaudreau, Steve Gerhart, Sarah Haverstick, Matt James, Darrin Keiser, Randolph Kiser, Drew Kitchens, Mark La Plante, Lisa LeBlanc, Julia Lentini, Elliott Levy, Frederick Locker, Jody Malone, Kelly Mariotti, Kyle Mason, Steve Oltman, Jonathan Otero, Greg Parks, Phil Przybylo, Daniel Schläpfer, Allison Schmidt, Mitchell Shellenberger, Brian Slifka, Chad Sparling, Dedra Stockberger, Jon Sumroy, Charlie Vits, Bob Wall, Bill Warren, Daniel Wells, and Brian Whitt.

NHTSA began the meeting by introducing a new member of the Compliance Team from Enforcement's Office of Vehicle Safety Compliance. JPMA acknowledged that test reports have been posted more quickly than in the past. JPMA's membership expressed concern regarding the availability of a report summary without proprietary information and requested that NHTSA create a summary report that JPMA members can send to retailers. JPMA members indicated they would like the test reports to show when a compliance issue has been resolved, as some retailers are interested in this matter. NHTSA responded that the agency worked on expediting the 2020 reports and will continue to work on expediting the 2021 test reports. NHTSA stated that there is no proprietary information in the test reports, and that page three of the reports already contains a summary of the test results. NHTSA stated that the website lists resolved issues as "Closed."

JPMA discussed counterfeit car seats issues. NHTSA responded that non-safety-related counterfeits (e.g., intellectual property disputes) are outside of NHTSA's mission. Intellectual property issues are the responsibility of the Department of Commerce.² NHTSA responded to JPMA's question on 49 CFR Part 566 and 49 CFR Part 551 submissions by stating that the process moves more smoothly when forms are filled out correctly and reiterated the importance of keeping the submissions up-to-date. In addition, NHTSA's Office of Chief Counsel (NCC) recommended the JPMA members reach out to NCC with specific questions.

JPMA raised concerns regarding noncompliant child restraint systems (CRS) in the market. NHTSA responded that the agency has shared information with multiple e-retailers to help prevent listings of noncompliant CRSs, has ongoing investigations of unsafe seats offered for sale in the U.S., and that there are publicly available test reports documenting noncompliance for some of these products. NHTSA also brought up the challenges addressing these issues, including the difficulty in identifying responsible parties, difficulty in receiving responses from foreign entities, and the fluidity of the online marketplace.

JPMA raised concerns about Federal Motor Vehicle Safety Standard (FMVSS) No. 302, "Flammability of Interior Materials," as applied to CRSs. JPMA stated that many U.S. states

² Information on intellectual property protection can be found through the Department of Commerce via www.STOPfakes.gov.

prohibit the use of an increasing number of flame retardants, making it difficult for CRS manufacturers to affordably comply with the standard. NHTSA spoke about the agency's research effort to improve the repeatability and reproducibility of the flammability test in FMVSS No. 302.³

JPMA members were concerned that the current foam thickness tolerances listed in the November 2, 2020 notice of proposed rulemaking (NPRM) are too wide and may introduce unintended variation into CRS test results. JPMA intends to investigate the effect of foam tolerances and foam finish in a new study. JPMA presented their research plan, attached to this memorandum, to NHTSA staff.

JPMA requested information about the status of pending rulemaking actions for establishing side impact requirements for child restraint systems (RIN 2127-AK95), upgrading FMVSS No. 213 "Child Restraint Systems" for improved child occupant protection (RIN 2127-AL34), and upgrading LATCH usability requirements in FMVSS No. 225 "Child Restraint Anchorage Systems" (RIN 2127-AL20). NHTSA responded that the status of these rulemakings will be available in the 2021 Spring Agenda.

JPMA shared that CRS manufacturers are focusing on improving tether use rates, as rates have stagnated or have decreased. Some manufacturers are using different methods to bring attention to the tether, such as storage locations in red housing, yellow tags on tether straps, and messages to consumers stating that not using the tether is a misuse. NHTSA provided information about the agency's recent efforts to increase tether use through social media and other measures in conjunction with Child Passenger Safety Week. NHTSA reiterated the agency's position that the tether should always be used for forward-facing CRSs regardless of the weight of the child.

JPMA noted their continued concern regarding the potential conflict between vehicle manufacturers' tether anchor weight limits and CRS innovation. JPMA also stated that they are concerned that new safety technologies for rear seating positions, such as inflatable seat belts, seat belt load limiters, pretensioners, or air bags may affect CRS performance.

JPMA asked about the status of the Large Omni-Directional Child (LODC) dummy. NHTSA stated that the LODC is currently a research effort to improve the biofidelity of child dummies and that NHTSA was exploring injury measures and seating procedures, and intends to complete the design.

JPMA and NHTSA staff briefly discussed heatstroke education efforts and autonomous vehicle compatibility with child seats. NHTSA stated that there were several research efforts to learn about the possible safety and compatibility issues that may arise from child occupants in ADS vehicles.

NHTSA staff discussed three behavioral research efforts relating to child passenger safety:

³ Huczek, J., Janssens, M., Cabiness, S., Friedman, K., Mattos, G., & Stephenson, R. (2021, April). *Potential Alternative Methodology for Evaluating Flammability of Interior Automotive Materials* (Report No. DOT HS 812 091). National Highway Traffic Safety Administration. Link: <https://rosap.nhtl.bts.gov/view/dot/55583>

“Awareness and Availability of CPS Information Resources,” “Evaluation of Correct Child Restraint System Installation,” and “2016 Motor Vehicle Occupant Safety Survey.” Specific discussion points and individual publication hyperlinks are listed in the attached file.

RECOMMENDATION

Please submit this memorandum to Docket No. NHTSA-2013-0055, NHTSA-2020-0093, NHTSA-2014-0012, and NHTSA-2014-0123.

Attachments:

- Agenda - NHTSA-JPMA Spring Meeting 5-27-2021.pdf
- NPRM foam presentation to NHTSA rev 5-27-2021.pdf
- NHTSA_OBSR_CPS_Research_2021.pdf