

December 12, 2022

Ann E. Carlson, Esq.
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Notice of Proposed Rulemaking (NPRM); Event Data Recorders [Docket Number: NHTSA-2022-0021; RIN Number 2127-AM12]

Dear Acting Administrator Carlson:

The Alliance for Automotive Innovation (“Auto Innovators”)¹ appreciates the opportunity to supplement our August 22, 2022, submission with additional information providing industry aggregate cost burden data.

As detailed in our August 22nd comments, Auto Innovators agreed with the SAE EDR Committee’s evaluation of the ramifications associated with the NPRM as well as their conclusion that there are no facts to suggest that 20 seconds of pre-crash data would change the outcome of any crash analysis. Notably:

- Increased energy reserve required in the module that stores the EDR
- Increased memory size of the buffer and non-volatile storage device
- Microprocessor changes in the module that stores the EDR
- Increased module size for packaging the aforementioned components
- Module packaging location(s) constraints
- Increased module(s) cost
- Increased validation testing of the EDR and the systems that provide data
- Increased EDR downloading time requiring an external power supply to power the vehicle

In order to quantify the cost burden associated with these ramifications, Auto Innovators commissioned outside counsel to aggregate cost information from our members. Members were asked to provide cost information with respect to:

- Development/testing cost ,
- Readout tool cost (if applicable), and

¹ Auto Innovators is the singular, authoritative, and respected voice of the automotive industry, representing motor vehicle manufacturers responsible for nearly 98 percent of cars and light trucks sold in the U.S., original equipment suppliers, technology companies, and others within the automotive ecosystem.

- Estimated cost increase of module.

Based on member responses the aggregated individual member cost information revealed an average development/testing cost of \$8.4 million dollars per manufacturer and an average estimated module cost increase of \$5.40 dollars per vehicle. There was not enough information supplied to support aggregation of the readout tool cost implications.

The cost burden for the initial year would be the sum of each OEM's development/test costs (\$8.4 million dollars) plus the incremental EDR module cost (\$5.40 dollars) times the number of modules (vehicles) that were fitted in that year. The cost burden for subsequent years would be simply the annual affected vehicle production times the incremental EDR module cost.

If we assume an average annual light duty vehicle production of 16.4 million vehicles² and 17 OEM's, the cost burden for the first year would be \$231.36 million dollars. Assuming the same annual production, the annual cost burden following the first year will be \$88.56 million dollars.

Given the significant initial and annual cost burden's associated with the proposed requirements, Innovators believes that this rulemaking should be subject to OIRA regulatory review pursuant to Executive Order 12866.

As detailed in our August 12, 2022, comments, our assessment of the research used to support this proposal, including comments and conclusions on the report from the SAE EDR Committee, has not convinced us that there is a real world safety gap that supports the proposed increase in pre-crash recording period and recording frequency. As such, we do not believe that there are sufficient safety benefits identified to warrant the imposition of the significant cost burdens detailed above.

Further, given the significant EDR recording unit modifications necessary to accommodate the proposed revision to the pre-crash recording period and recording frequency, coupled with current chip/supply chain problems, a one year lead-time is not practicable.

In conclusion, based on our assessment of the NPRM, the proposed increase in pre-crash recording duration and frequency for conventional vehicles will not achieve the intended safety goals and will significantly increase both the EDR size (requiring repackaging) and cost to consumers of these units during difficult economic and supply chain constrained conditions, with questionable and unquantified added benefit.

As a result, Auto Innovators recommends that any further consideration of potential EDR revisions, including potential increases in recording duration and frequency, be further considered as part of the UN ECE EDR/DSSAD IWG EDR Phase 2 activities. This will ensure greater international harmonization with minimal to no direct impact on occupant safety while these activities reach their conclusion.

However, if NHTSA is compelled to move forward with the proposed revisions despite the contrary positions expressed herein, we recommend that adequate lead-time similar to that provided with the initial EDR final rule (~6 years) be adopted to help reduce the burden of

² Annual production of vehicles typically fitted with Part 563 compliant EDR's averaged between 2015 - 2019 (pre-COVID) <https://www.epa.gov/automotive-trends/explore-automotive-trends-data#SummaryData>.

implementation. Alternatively, 3 years of lead-time followed by a 25%, 50%, 75%, and 100% phase-in would be appropriate.

Please contact me if you have questions on any aspect of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Schmidt", with a stylized flourish at the end.

Scott Schmidt
Vice President, Safety Policy
Alliance for Automotive Innovation

cc: NHTSA Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget