



January 19, 2024

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Petition for Reconsideration, Docket No. NHTSA-2023-0040, RIN 2127-AL34

Dear Administrator,

Thank you for the opportunity to provide input to this regulatory upgrade that introduces a new standard seat assembly and updates other aspects of improved regulation. First and foremost, we commend the Agency's regulatory team on the intent of enhancing child safety, and the thoughtful and evidence-based crafting of most included regulatory components. While we do have significant concerns, communicated below, the Juvenile Products Manufacturer's Association ("JPMA") and its members are generally supportive of this action.

JPMA is a national not-for-profit trade organization representing 95% of the juvenile products industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA exists to advance the interests, growth and well-being of North American prenatal to preschool product manufacturers, importers and distributors marketing under their own brands to consumers. It does so through advocacy, public relations, information sharing, product performance certification and business development assistance conducted with appreciation for the needs of parents, children, our members and their retailer customers. JPMA continues to work with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Regulatory implementation schedule

We appreciate the regulatory effort to align the updated standard seat assembly's features with the seat assembly used to test CRS for compliance with FMVSS 213a. Taking that spirit a step further, we urge NHTSA to consider aligning the required compliance dates for FMVSS 213, FMVSS 213b and FMVSS 213a. The current schedule would require significant modifications to existing models by December 5, 2024 (213 - labeling), June 30, 2025 (213a lateral testing) and December 5, 2026 (213b new test bench and configuration). With the current schedule, duplicative efforts would be required for instruction and label revisions, tooling modifications, model testing and certification processes, marketing materials, and more, adding unnecessary costs and challenges.

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

1120 Route 73, Suite 200 • Mt. Laurel, NJ 08054
TEL: 856.638.0420 • FAX: 856.439.0525
jpma@jpma.org • www.jpma.org

In addition, when Universal Product Codes (UPC) are changed due to new labeling, side impact protection compliance, revised child weight ranges, or modified model characteristics, product histories and customer reviews begin anew, reducing consumer confidence in established and proven products and brands. Retailer relationships with the product models are also disrupted, and in some cases may require buybacks of older versions. The costs to address these issues add to the unnecessary expense, and could be easily minimized by using a consistent implementation date.

JPMA respectfully urges NHTSA to consider aligning the implementation of 213, 213a and 213b. Ideally, if all portions of the regulation become effective on December 5, 2026, unnecessary burdens and the associated costs will be minimized. This singular product change would also be less disruptive to consumer confidence. If that timing is not agreeable, another option would be to implement 213 and 213a on December 5, 2025, considering the aforementioned challenge of midyear product changes and allowing five additional months to work through the current 213a challenges, while retaining the current December 5, 2026 implementation of 213b.

Retaining Type 1 seat belt testing

JPMA is concerned that NHTSA made a strong case for eliminating testing with Type 1 belts in the NPRM, and now plans to require such testing without the benefit of supporting data and without opportunity for regulatory comment. We believe such testing is duplicative, considering that child restraints would already be tested with lower anchors and with Type 2 belts. In addition to the direct costs of this such testing, we must also consider the time consideration of product validation and certification with new labeling (213), lateral impact testing (213a), and frontal testing with a new bench and new requirements (213b). Since each existing and modified model will need to be fully evaluated, this new and unnecessary addition would delay development of future child restraint models.

A core portion of the stated NHTSA rationale for retaining Type 1 seat belt testing utilizes the model years of registered light duty vehicles, stating, "We estimate that about 36 percent of the 2022 light duty vehicle fleet are of model years (MY) 2000-2007 that do not have Type 2 belts in all rear seating positions." While the selected model years may precede the FMVSS 208 requirement of Type 2 belts in rear center seating positions, the referenced 2004 regulation stated that, "Approximately 77% of the passenger car fleet and 49% of the light truck and van (LTV) fleet currently on the road already have Type 2 belts in the rear inboard seating position." Considering that evidence, the estimated timing for when 90 percent of passenger vehicles will have Type 2 belts in rear inboard seating positions is faulty, and the sunset date of September 1, 2029 for testing with Type 1 seat belts significantly exceeds the stated equity objective.

While we support the objective to ensure that child safety is equitable, we urge NHTSA to remove the unnecessary duplicative testing with Type 1 belts. The added testing and certification costs and time are unnecessary and likely inconsequential, and removal of that added testing would accelerate movement toward a stated goal in the NPRM: to encourage future CRS designs that take advantage of the shoulder belt portion of the seat belt to reduce excursions. At a minimum, we encourage the Agency to recalculate the sunset date for required testing with Type 1 belts based on more complete vehicle data.

Metric conversion consistency

The Final Rule for FMVSS 213 and 213b contains inconsistent metric conversion, while uniform correct conversion is required for instructions and label compliance as well as ATD selection. While the majority of 40 pound conversions in the document use 18.2kg, there are also examples of 18kg and 18.4kg.

Considering the actual conversion of 18.1436948kg, we urge NHTSA to choose a single abbreviated metric conversion to represent 40 pounds for regulatory compliance purposes. While it is not a perfect conversion, we encourage NHTSA to consider a rounded 18kg or the more accurate 18.1kg.

Registration flexibility

While we appreciate the Agency allowing manufacturers leeway to communicate important registration information to consumers, we presume that guidance will be provided to compliance test labs on what specific content is acceptable. With such a short timeline for FMVSS 213 Upgrade compliance, we are hopeful that NHTSA can provide the same guidance to manufacturers, well in advance of the December 5, 2024 implementation. Such guidance could be included through either revised Laboratory Testing Procedures or a separate, dedicated document. In either case, the current implementation schedule requires that specific guidance should be provided in short order.

JPMA submits this petition with the best interests of the most affected parties in mind. As part of our commitment to the improvements contained in FMVSS 213 and 213b, JPMA continues to facilitate communication among manufacturer and contract lab members. We simultaneously continue to evaluate the implications of FMVSS 213a and the draft Laboratory Test Procedures in TP-213-11. We look forward to sharing the results of our combined evaluative research on the latter with the Agency, since we all share the objective of enhancing child safety with consistent, reliable and repeatable regulations and compliance testing.

We urge NHTSA to thoroughly evaluate the merits of this petition. Like NHTSA, JPMA shares the objective of ensuring that our members' products meet the highest safety standard while also promoting safe and easy use by the consumer. Please do not hesitate to contact me directly if you have any questions or concerns.

Sincerely,



Joseph M. Colella
Director of Child Passenger Safety, JPMA