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DEPT. OF TRANSPORTATION

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NHTSA 00-7580-1

April 18, 2000

Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: PETITION FOR AN AMENDMENT TO SEC. 571.209 STANDARD NO. 209,
SEAT BELT ASSEMBLIES

Attached is a petition I would like to file with the National Highway Traffic Safety Administration. It is in reference to 49CFR571.209, and requests that you amend the federal regulation to require vehicle manufacturers to provide seat belts that fit all passengers, not just those up to 215 lbs.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,



EXECUTIVE SECRETARIAT
2000 APR 26 A 8:32
NATIONAL HIGHWAY
TRAFFIC SAFETY ADM.

ES2000040956

PETITION FOR AN AMENDMENT TO SEC. 571.209 STANDARD NO. 209
SEAT BELT ASSEMBLIES

April 18, 2000

This petition is for an amendment to 49CFR571.209, which governs the manufacture of seat belt assemblies. This federal regulation currently requires vehicle manufacturers to make seat belt assemblies that fit passengers only up to 215 lbs. This causes a conflict between federal regulation and state laws, which in forty nine states mandates seat belt use by occupants regardless of their weight.

SUBMITTED TO

Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

This petition for an amendment of motor vehicle safety standard 49CFR571.209, which governs the manufacture of seat belt assemblies, is filed in accordance with procedures set forth in 49CFR552.

PETITIONER

Elizabeth Fisher, a United States citizen residing at
4782 Tulane Drive
Baton Rouge, Louisiana 70808
Phone: 225/766-8526

NECESSITY FOR AN ORDER

Existing federal regulation only requires seat belts to fit U.S. adult males up to 215 lbs.

- Existing regulation 49CFR571.209 regarding the manufacture of seat belt assemblies requires that "a Type 1 or Type 2 seat belt assembly shall be capable of adjustment to fit occupants whose dimensions and weight range up to those of a 95th-percentile adult male." In 49CFR571.209, revised as of October 1, 1999, this 95th-percentile adult male is defined as weighing 97.5 kg (215 lbs).

President Clinton names safety his highest transportation priority, and cites seat belt use as the most effective action we can take to save lives.

- The "Buckle-Up America" campaign, hosted on NHTSA's website, features a statement from President Bill Clinton. (<http://www.nhtsa.dot.gov/people/injury/airbags/buckleplan/buckleup/preslet.html>) In his declaration, President Clinton names safety his highest transportation priority, and he asks for all Americans to participate in making our streets and roads safer. He cites the "single most effective action we can take to save lives on America's roadways is to increase seat belt use." He says he has "directed the Secretary of Transportation to work with members of Congress, the states, the automobile and insurance industries, safety and consumer groups, medical and health organizations, and concerned citizens all across the country to develop a plan that will save lives and reduce injuries on our highways." Two of the four major elements of his plan mandate "enacting strong legislation and actively and visibly enforcing seat belt and child safety seat laws."

How can we buckle up if our seat belts do not fit?

Forty nine states have enacted laws requiring seat belt use, yet federal regulations do not require vehicle manufacturers to manufacture the belts that will enable larger occupants to obey state laws.

- Every state in the United States except New Hampshire has either a primary or secondary law in place requiring seat belt use by front seat passengers 100% of the time. Federal Regulation only requires that seat belts fit passengers up to the 95th percentile U.S. adult male, who they define as weighing 215 lbs. The "concerned citizens" President Clinton cites in his initiative come in all shapes and sizes.

49CFR571.209 defines the 95th percentile U.S. Adult Male as 215 lbs. Statistics from the Third National Health and Nutrition Examination Survey contradict that definition.

- Motor vehicle safety standard 49CFR571.209 mandates that automobile manufacturers make their belts to fit U.S. Adult Males up to 215 lbs. If this 215-lb person were 6-ft tall, he would have a body mass index (BMI) of 29. According to the **Third National Health and Nutrition Examination Survey (NHANES III)**, a study taken by a branch of the Centers for Disease Control and Prevention, 22.3% of U.S. Adults have a BMI greater than 30.

NHANES III states that 25% of all women in the United States have a BMI higher than a 215-lb, 6-ft tall U.S. adult male.

- If you examine NHANES III data broken down by gender/race/ethnicity, you will find that 36.5% of black women, 36.7% of Black, non-Hispanic women, 33.3% of Mexican-American, and 35.6% of women age 50-59 have a BMI over 30. According to NHANES III statistics, 25% of all women have a BMI

over 30. This means that potentially 25% of all women are not protected by existing seat belt regulations.

SUMMARY

Guidelines for the manufacture of seat belt assemblies that limit required seat belt size to the 95th percentile U.S. adult male, and define that male as weighing 215 lbs need to be reviewed and updated. If forty-nine states have laws requiring seat belts be worn, federal regulations should support those laws and require that the seat belts be manufactured or easily modifiable to fit any occupant who fits in a particular vehicle.

SUBSTANCE OF THE PROPOSED ORDER

Require vehicle manufacturers to provide a means for any passenger who fits in one of their vehicles to be able to fasten the seat belt. This could be accomplished in two ways. One, make extended seat belt lengths an option when purchasing a new vehicle; and two, require vehicle manufacturers to make seat belt extenders available for purchase for all models.