



THE SAFETY RECORD

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The New De Facto Roof Strength Standard? IIHS Raises the Bar

WASHINGTON, D.C. – As the National Highway Traffic Safety Administration’s effort to write a new roof strength standard drags into its fourth year, the Insurance Institute for Highway Safety has gone ahead and created one that is far more stringent than anything the agency has proposed.

Beginning in 2010, automakers who want IIHS’s coveted Top Safety Pick designation will have to build vehicle roofs with a 4.0 strength-to-weight ratio – far above the timid 2.5 ratio the government has been contemplating for its amended standard. The IIHS estimated that vehicles that could meet this new strength standard could reduce injury risk to occupants by 40-50 percent. In January, the insurance advocacy group informed manufacturers about its new requirement for vehicle roofs to win its highest honor. The industry greeted the news with the “can’t-do” spirit that characterizes its reaction to nearly every safety improvement.

“A number have said to us the 4.0 strength-to-weight ratio is a very hard standard to meet,” says IIHS’s Adrian Lund.

(Based on NHTSA data, the Volvo XC90, the 2006-2009 Honda Civic, Volkswagen Jetta

2005-2009; Toyota Camry 2007-2009 and Toyota Tacoma 2005-2009 already meet or exceed that standard.)

But the IIHS has heard it all before. When it introduced its new 40 mph frontal offset crash tests in 1995, automakers protested that their vehicles couldn’t pass such a tough test. Today, virtually 100 percent of new vehicles earn a good rating in that test. In 2003, when the IIHS upped the ante on side-impact crashworthiness, by using a barrier more representative of an SUV than the sedan-type barrier used in the federal compliance test, manufacturers complained again. The IIHS reports that automakers are rapidly rising to that challenge, with 64 percent earning a “good” rating in that test in 2009.

“The main point is: It’s hard when you start, but obviously, it can be done,” Lund says. “I think we will get some movement on roof strength. They are going to try to do it – this one isn’t rocket science.”

The IIHS decided to move forward on roof strength, after conducting two studies on mid-sized SUVs and small sedans showing that roof strength was strongly related to occupant injury risk. In conducting its research, the IIHS cleverly side-

stepped the chicken-and-egg debate of whether occupants sustain injuries in a rollover because they “dive” into the roof or because the roof crushes into occupants. Instead, it compared injury figures from real world crashes with the roof strength ratios of the 11 models in those crashes, as measured by the Federal Motor Vehicle Safety Standard 216 quasi-static compliance test.

The first study, published in March 2008, focused on SUVs. The IIHS culled 22,817 rollover crashes from the State Data System – police-reported crashes submitted to NHTSA – in 12 states that had data available for some part of calendar years 1997-2005, had a mechanism to identify single-vehicle rollovers, and had sufficient VIN information to determine vehicle make, model, and model year. The 12 states that met these criteria – Florida, Georgia, Illinois, Kentucky, Maryland, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, Wisconsin, and Wyoming – used KABCO injury coding, in which “K” represents fatal injuries and “A” represents incapacitating injuries as assessed by the investigating police officer.

The IIHS used the crash data to select the mid-sized SUVs most
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Crib Tents: Another Hazard from the World of Unregulated Child Products

VINALHAVEN, ME – The U.S. Consumer Product Safety Commission has opened a probe in December 2008 into the strangulation death of a two-year-old who became entangled in the mesh netting of his crib tent.

Noah Thompson of Harvard, Mass., was strangled when his head got stuck between the mattress and mesh covering that was placed over his portable crib. His parents, Marc Thompson and Lisa Rosen, told state police that they had used the netting to prevent their son from climbing

out of the crib.

This incident was one of at least 10 involving crib tents or canopies in which a child was entangled in the mesh, the dome inverted, or the child managed to tear a hole in the canopy entrapping the child. Some of these incidents have been reported to the U.S. Consumer Product Safety Commission, some have appeared on parenting message boards. At least two incidents have resulted in a child death. News reports did not mention the product

implicated in Thompson’s death by name, and the CPSC, which launched an immediate investigation, is prohibited from releasing the brand name until its investigation is complete. There appear to be only a handful of crib tent manufacturers worldwide, including one in India and another in Australia. One of the attractions in warm weather countries is the protection from insects they offer children. In the U.S., the Massachusetts-based Tots-In-Mind Inc., appears to
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be the only manufacturer of crib tents.

Tots-In-Mind's Cozy Crib Tent and Crib Tent II are domed canopies that fit over fiberglass cross rails arching over the top rail of a crib; the mesh sides extend down inside the slatted crib sides. Tots-In-Mind advertises these products as protection against crib falls and intrusions ranging from pets to insects to other unwanted objects. Sold at major retailers, such as Walmart, Baby Express and Burlington Coat Factory, the Cozy Crib Tent and Crib Tent II offer parents "peace of mind," and assurances from the manufacturer that it is "safety tested."

But the Cozy Crib Tent and Crib Tent II have been a source of worry and tragedy for some parents who relied on the company's promises. On October 5, 2007, Nicholas Blanco, 2, of Ashburn, VA, suffered permanent and devastating injuries when he became entrapped and strangled by a Cozy Crib Tent.

On the message board, www.eopinions.com, one poster claimed that a Cozy Crib Tent caused her child's death: "the Company won't even so much as validate my complaint regarding my son's death. This product WAS a death trap plain and simple. I got it to help keep my very active climbing toddler safe. What it ended up doing is costing him his life. He ripped apart the netting and strangled in this. So please I beg you don't use this. Co-sleep, put your child's crib in your room, sleep on your child's floor ANYTHING but use this."

Other mothers have appealed to parents on web-based message boards to avoid the Cozy Crib Tent, based on near-misses:

"Please check your Crib Tent if you have one. Dallas has the Original Crib Tent on her sleigh crib. I put her down for a nap as her ears were hurting her. The ends of the crib tent were loose. She was fighting going down for a nap and was playing in the crib. The end of the flap got caught around her neck

when the Velcro straps and the ties got caught on each other. She tried to get out of it but it was too tightly wound around her neck and body. God only knows what would of happened if I finally hadn't decided to go in there to see why she wouldn't go to sleep. The Crib Tent



is coming off and going in the trash. Please check your crib tent and make sure it is properly installed. Dallas is fine now. I on the other hand am a basket case at the moment," wrote Susan Hodges of Breauxbridge, Louisiana.

"I bought this because my son is a Houdini of the toddler world and was forever climbing out of his crib. The tent worked for a while until he figured out how to unzip it from the inside. We used a big safety pin to secure the zipper on the outside of the tent where he couldn't reach it. Then he ripped the short end of it apart. I sewed it back together. The final straw was when I was reading a book at his nap time and heard him making weird noises in his room. He had pulled apart the long backside of the tent where there's a channel for a long plastic reinforcing stick. His neck had become trapped between the plastic stick in it's channel and the side of his crib when he stuck his head through the opening he had made. I have called Tots In Mind about this, and this product is still on the shelf being sold to the public," wrote another poster.

Crib tents are among the esoterica of parenting aids in the modern age that are sold under the regulatory radar. While full-sized and non-standard size cribs are subject to

mandatory requirements governing the hardware, adjustable rails, mattress size, decorative cut-outs, construction and finishing and presence of lead, crib tents are subject to no government regulations. Tots-In-Mind is a member of the Juvenile Products Manufacturers Asso-

ciation, which awards some member's products a "safety certification." But this is a voluntary program and the standards and testing procedures associated with it are not transparent to the public. The Cozy Crib Tent and Crib Tent II are not JPMA certified; nor are there any standards governing its structural integrity. The company's claims of safety testing can not be measured against any objective criteria.

"Where federal standards fail, you have ASTM standards, but crib tents are not even on the radar screen," says Donald Mays, Consumers Union's Senior Director of Product Safety and Technical Public Policy. "And right now there are such big problems with cribs, play yards and portable cribs. Millions have been recalled because of defects."

The Consumer Product Safety Improvement Act of 2008 will do little to remedy the lack of standards for crib tents. The act requires the establishment of standards and certificates of compliance for durable juvenile products that fall into 12 categories: cribs; toddler beds; high chairs, booster chairs, and hook-on chairs; bath seats; gates and other enclosures for confining a child; play yards; stationary activity centers; infant

carriers; strollers; walkers; swings; and bassinets and cradles. Crib tents appear to fall outside the new law's purview.

Mesh Designs a Longstanding Suffocation Hazard

But at least one key element of the Cozy Crib Tent and the Crib Tent II – the mesh covering – has been implicated as a suffocation hazard in other crib products. The CPSC has been periodically recalling cribs with mesh siding for at least 35 years. In 1983, the agency issued an unusual "urgent appeal" for consumers to heed safety recalls, based on 10 infant deaths in mesh-sided cribs and playpens since 1973.

Over a six-day span in May 1983, the CPSC learned of two infant deaths in mesh-sided playpens. The infants had "apparently rolled into the mesh pocket formed when one side of the playpen was not in a fully raised position," the agency said. This followed a nationwide alert in March 1983, alerting consumers that drop side mesh playpens and portable mesh cribs, used with a side left down, can pose a severe safety hazard to infants.

In those 10 years, the CPSC was aware of four deaths involving mesh-sided playpens and six deaths and two non-fatal accidents involving mesh-sided cribs since. "Seven of the incidents involved children six weeks old or less who were left in the playpen or crib with one of the two drop sides in the down position. After falling off the end of the mattress pad, the infant's head or chest was compressed between the floor board and the mesh side so the child was unable to continue breathing," the agency warned.

In 1987, Shelcore, Inc., of South Plainfield, New Jersey, recalled its Crib Soft Playground, an activity center for use in cribs and playpens, after a 14-month-old trapped his head between a loosely tied toy and the mesh on a playpen and strangled to death. The agency noted that the instructions do not advise consumers about proper string tightness or against use in a

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represented in fatal crash data and the models most represented on the road to ensure a sufficient sample size. Eleven models were used as the basis of comparison. General Testing Laboratories, under contract with IIHS, subjected eight midsize SUVs – six of which were used vehicles – to the FMVSS 216 quasi-static tests. The maximum force required to crush the roof to 2, 5, and 10 inches of plate displacement was recorded. (The IIHS used NHTSA roof strength data for three models.)

The IIHS found that in all cases, “increased measures of roof strength resulted in significantly reduced rates of fatal or incapacitating driver injury after accounting for vehicle stability, driver age, and

state differences.” Researchers estimated that a one-unit increase in peak strength-to-weight ratio within five inches of plate displacement was estimated to reduce the risk of fatal or incapacitating injury by 28 percent.

This finding contradicted other studies on the relationship between roof strength and injury risk, but the IIHS defended its study as having more tightly controlled potential confounding factors. Also, the IIHS estimated number of lives saved by increasing the regulated SWR to 2.5 is considerably higher than the estimated 13 and 44 lives saved indicated in NHTSA’s 2005 NPRM, despite the fact the agency’s estimates cover the entire passenger vehicle fleet.

This winter, the organization con-

ducted a second study, using the same methodology, with small sedans. The as-yet unpublished study confirmed the results of the SUV project – roof strength was highly correlated with injury risk, and the benefits of stronger roofs were substantial.

Lund said that the IIHS’s research results were too definitive to wait for the agency to finally move on an amended roof crush standard. First introduced in August 2005, the proposed amendment would increase the roof strength-to-weight ratio from the current standard of 1.5, established in 1973, to 2.5 times a vehicle’s weight in a rollover crash. The maximum 5-inch plate displacement limit would be replaced by a requirement that

the minimum strength be achieved prior to head-to-roof contact for an ATD positioned in the front outboard seat on the side of the vehicle being tested. In January 2008, NHTSA issued a supplemental notice of proposed rulemaking announcing that it would delay the adoption of a new standard while it considered testing a sequential two-sided test for possible adoption. The agency was required to revamp the standard by July 2007, but has delayed further action until April.

IIHS is scheduled to start testing roofs soon and will be releasing small SUV roof strength ratings in the spring. Roof strength will officially be among the Top-Safety-Pick criteria in 2010 models beginning this Fall, Lund said.

Safety Advocates Decry New CDC Triage Guidelines Dropping Rollover

ATLANTA, GA – After a three-year effort involving the automotive industry, trauma specialists, NHTSA and other federal agencies, the Centers for Disease Control last month issued its first national triage guidelines – and dropped rollover from the criteria of automatic transport to a Level 1 Trauma Center.

For more than 20 years, rollover has been among the criteria that automatically triggered transport to trauma centers most equipped to deal with serious injuries. Such crashes are particularly deadly. Each year, about 10,000 people die in rollovers, accounting for only 3 percent of all crashes, but a third of all fatalities.

But in 2006, the American College of Surgeons, which published its first Field Triage Decision Scheme in 1986, and has revised it periodically since then, removed rollover from its guidelines. These step-by-step schemes are used by emergency medical services technicians to evaluate patients at crash scenes. For instance, for transport to trauma centers of various capabilities: Level 1 providing the highest level of care to Level 4, which offers initial trauma care before transfer to a facility offering higher level of care. (At the time, the state

of Maryland broke with the ACS and returned rollover to its new Trauma Decision Tree. The update added “rollover without restraint” to its list of criteria in advising automatic transport to a Trauma Center.)

The decision also alarmed safety advocates, who said that it would result in more deaths from rollovers. Louis Lombardo, a retired Physical Scientist from the National Highway Traffic Safety Administration’s research department, has been lobbying for the return of rollover to the triage criteria ever since.

“It’s the right thing to do,” Lombardo said. “The whole world follows the American College of Surgeons. If you downplay rollover, more people are going to needlessly suffer deaths and disabilities and it will take longer for an appropriate medical response. There are time critical injuries. If rollover is kept out of the triage guidelines, the system is likely to respond less vigorously, less timely and less optimally.”

Lombardo argues that too often the most severe outcomes are the result of time lost in the rescue process.

Currently, about 24,000 people killed in crashes annually were not taken to any medical treatment facility,

The “not taken” are now 56 percent of the people killed each year. Many of the remaining 44 percent who were taken received less than optimal care and died of their injuries. Currently, the 150,000 people seriously injured in crashes each year suffer disabilities from brain injuries, from spinal cord injuries (including quadriplegia and paraplegia), and from crippling orthopedic trauma. Many of these injuries have catastrophic long-term consequences for individuals, families, and society due to lack of timely, optimal quality care.

The CDC began to get involved in the process in 2005. With support from NHTSA, the CDC began facilitating revision of the decision scheme by hosting meetings of a National Expert Panel on Field Triage, which included injury-care providers, public health professionals, automotive industry representatives, and officials from federal agencies. After the ACS Committee on Trauma published its new triage guidelines, the CDC agreed to expand the dissemination of that and future decision schemes.

Part of the rationale for the

changes is to introduce efficiency into the trauma care system. In its report on the new triage guidelines, the CDC noted that not all injured patients can or should be transported to a Level I trauma center. Patients with less severe injuries might be served better by transport to a closer ED. Transporting all injured patients to Level I trauma centers, regardless of the severity of their injuries, could burden those facilities unnecessarily and make them less available for the most severely injured patients.

“The cost savings goes back to the idea that if you matched the patient’s needs with right resources, I believe we will have some cost savings,” says Dr. Scott M. Sasser, of the National Center for Injury Prevention and Control and a member of the expert panel.

In a recent news conference, Sasser and Dr. Richard Hunt, of Emory University School of Medicine and another panel member, defended the CDC’s decision to follow ACS’s lead.

Sasser noted that the triage literature was sparse but said that the committee evaluated the rollover injury and fatality statistics and

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Safety Research & Strategies Expands Its Mission

REHOBOTH, MA – Safety Research & Strategies President Sean Kane announced that his company has officially expanded its safety mission beyond motor vehicles to include all areas of consumer and other product safety.

SRS has long been known for and relied upon for its research work and advocacy in the vehicle arena. During his 18-year career, Kane has been personally responsible for recalls covering millions of vehicles and components and has brought public and policy attention to important safety issues. SRS research has provided the foundation for numerous safety campaigns and for successful litigation.

For a number of years the firm has been building expertise understanding defects and defect issues in other consumer, commercial and industrial products. During the last few years, SRS has tackled projects involving a wide array of products

– turkey fryers, transdermal patches, power tools, soldering machinery, and off-road motorized vehicles – to name a few. In each case, SRS has applied its skills in tracking down incidents, developing regulatory histories, identifying alternative designs and technical literature and helping clients to understand the context for particular hazards. Our team of professionals is regularly working with federal agencies ranging from the Food and Drug Administration to the U.S. Consumer Product Safety Commission to the Environmental Protection Agency to the Federal Aviation Administration.

Of particular interest has been identifying and tracking the flood of substandard products manufactured cheaply overseas. China, for example, is now the world's second largest exporter of goods. In 2007, the U.S. imported \$321.5 billion worth of Chinese goods. Many of these imported products, however, have made headlines for the harm they have

caused American consumers: defective tires and automotive components, tainted pet food, toothpaste, baby formula and pharmaceuticals, lead-coated toys and sofas that cause rashes. These unregulated products often come here via obscured routes through shell corporations and importers, often with financial ties to manufacturers or other U.S. entities. Their low cost attracts importers, but also leaves consumers vulnerable to the design and manufacturing flaws that come with the cheap price tag.

“We have been honing our expertise in these other product areas for some time,” says Kane. “We have a good foundation in understanding the networks that bring these products here, we know how to assess the scope and magnitude of product defects, and we help our clients to obtain the information and data needed to understand a product safety problem.”

Along with this expansion into other product lines comes SRS's commitment to safety advocacy. The firm is already engaged in efforts to eliminate strangulation hazards associated with crib tents and has several other advocacy projects underway.

“SRS actively uses the information we gather not just for the benefit of an individual client, but to reduce hazards associated with products,” Kane says. “We are now expanding our reach and intend to bring our own brand of activism and advocacy to address product hazards beyond the motor vehicle area.”

Millions for Motorcycle Crash Causation Study in Limbo

WASHINGTON, D.C. – In 2005, Congress funneled \$2.8 million to the University of Oklahoma as an earmark in the Safe, Accountable, Flexible, Transportation Equity Act, a Legacy for Users, to conduct a motorcycle crash causation study. But a series of missteps have caused the study to languish and, ultimately, may result in its demise.

The Federal Highway Administration is now appealing to state departments of transportation for \$1.5 million in contributions to resolve a funding deficit caused by the requirements of the study imposed by the University of Oklahoma and the outside funders, the Motorcycle Safety Foundation (MSF) and the American Motorcyclists Association (AMA).

The motorcycle crash causation study is to be based on comprehensive on-scene, in-depth investigations of motorcycle crashes. The \$2.8 million federal earmark required matching funds, which the MSF and the AMA pledged. The MSF's donation, however, came with a stipulation that the sample

encompass 900 crashes and be conducted using the common international methodology for in-depth motorcycle crash investigations developed by the Organization for

two investigatory strategies: an in-depth crash investigation that focuses on the sequence of events leading up to the crash, and on the motorcycle, rider, and environ-

ment rider and driver characteristics, and pre-crash factors influencing motorcycles, are present in similarly-at-risk control vehicles.



Economic Cooperation and Development.

The OECD methodology employs

mental characteristics relevant to the crash and a case-control procedure, which uses matched control data to determine to what extent

Despite having gathered \$3 million in funding, researchers at the University of Oklahoma have said that it is not enough to collect the sample, which should exceed 900 crashes. They have estimated that the study's true price tag is upwards of \$7 million. The FHWA proposed a Transportation Pooled Fund study to raise the money for the additional data collection to support the MCC study. To date, New York and Texas have pledged an additional \$225,000 dollars, but that is far short of the total needed.

The University of Oklahoma, which is a National University Transportation Center, received the funding to conduct the study, even though its transportation expertise lies in road infrastructure research. The Federal Highway Administration was to oversee the project, even though road infrastructure is also its bailiwick.

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Sunshine in Washington

Washington, D.C. – The Obama Administration has stuck a crowbar in the public information vault his predecessor was so skilled at keeping tightly closed and issued an Executive Order requiring the Attorney General to issue new FOIA guidelines to all department heads.

The January 21 memo declares a new commitment to accountability and transparency. It begins by quoting the late Supreme Court Justice Louis Brandeis: “sunlight is said to be the best of disinfectants,” and then moves on to require a presumption of openness:

“The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public. All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.” Attorney General Eric Holder is

expected to issue these new guidelines within 90 days. Among the Executive Order’s promises: “Disclosure should be timely.” As anyone who celebrated multiple birthdays waiting for a mere response to a FOIA request – let alone the information itself – knows, this would be a welcome improvement.

Administrations have attempted to put their own stamp on FOIA policies since President Jimmy Carter. And, the commitment to openness has expanded and contracted neatly along party lines. For example, in 1981, Ronald Reagan’s Attorney General William French Smith decentralized the implementation of FOIA and advised agencies to develop their own policies for the release of exempt materials under the guiding principle: “when in doubt, withhold.”

This policy remained in place until the election of Bill Clinton, whose Attorney General Janet Reno rescinded Smith’s 1981 policy encouraging federal agencies to withhold information whenever there was “a substantial legal basis” for doing so. Reno’s policy, like Obama’s, canted toward the presumption of disclosure and an effort to clear the backlogs. Reno’s Department of Justice would defend the agency in a FOIA lawsuit only when it was “reasonably foreseeable that disclosure would be harmful” to an interest protected by the law, and only when it need be.

Under George Bush’s first Attorney General John Ashcroft, FOIA disclosures were again discour-

aged. Although Ashcroft’s FOIA Memorandum emphasized that compliance was “an important means of maintaining an open and accountable system of government,” it also established a recognition of “protecting the sensitive institutional, commercial, and personal interests that can be implicated in government records – such as the need to safeguard national security, to maintain law enforcement effectiveness, to respect business confidentiality, to protect internal agency deliberations, and to preserve personal privacy.” In other words, go shopping. It’s none of your damned business what the government is doing.

Ashcroft’s FOIA policy established what it deemed a “sound legal basis” standard for defending agency actions against FOIA court challenge. Under this new standard, agencies would simply make a judgment that their use of a FOIA exemption was on sound factual and legal sound footing. Ashcroft’s FOIA Memorandum also placed a particular emphasis on the right to privacy, among the interests protected by FOIA exemptions.

Scott Hodes, an attorney who specializes in FOIA law, and a former staff attorney with the Department of Labor, Department of Justice’s Office of Information and Privacy and the FBI, says that the new FOIA memo is a good sign.

“I think they are going to start working to improve this stuff, but it’s not going to be that quick,” he says. The promise of timely disclosure “indicates they are quite aware that that’s a major problem.”

At the FBI for example, where Hodes served as the Acting Unit Chief of the Freedom of Information/Privacy Act Section’s Litigation Unit from 1998 to 2002, Attorney General Janet Reno and FBI Director Louis Freeh actively monitored their agencies’ responses to FOIA requests. The FBI was able to whittle its backlog from 14,000 FOIA requests to less than 2,000.

“It was done by giving them additional resources and keeping an active involvement of the progress,” Hodes said. “Janet Reno used to get monthly reports on the backlog at the FBI and had meetings with staff about it. When John Ashcroft came in, all that progress basically stopped.”

Whether President Obama’s message will effectively translate into greater resources devoted to FOIA within any given agency depends, in part, on the agency. FOIA funding is determined within a specific agency’s budget at its discretion, and often FOIA is somewhere near the bottom of the priority list, he added.

“It’s frustrating,” Hodes said. “These are the people’s records. We are the citizens; we are entitled to them and entitled to them in a more timely fashion. But it’s going to take a while, because you have these entrenched people, and no matter what the policy is, if they don’t want the material to go out, they will fight the FOIA.”

Truck Tire Road Debris No Hazard

WASHINGTON, D.C. – Retreaded tires pose no special risk to motorists, a federally sponsored study has found.

The “Commercial Medium Tire Debris Study,” released by the National Highway Traffic Safety Administration in December 2008, examined discarded tire casings and tire fragments to determine if tire road debris came from retreaded tires or tires with their

original casings, and if retreaded tires were more prone to failure. The researchers concluded that a proportion of tire debris from retreaded tires and original equipment tires is similar to the estimated proportion of retreaded and OE tires in service. Nor was there any evidence to suggest that the proportion of tire fragments and shreds from retread tires was over-represented in the debris items collected.

In the cases in which researchers could determine whether the fragment came from a retreaded or OE tire, road hazard was the most common cause of tire failure, at 38 percent and 36 percent respectively. The analysis of tire casings found maintenance and operational issues accounted for 32 percent of the failures, while over-deflection accounted for 16 percent. Analysis of tire fragments found that exces-

sive heat was evident in 30 percent of the samples examined.

“These results suggest that the majority of tire debris found on the Nation’s highways is not a result of manufacturing/process deficiencies,” the study’s authors said.

This study corroborated the findings of earlier studies of tire de-
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Carol Tan, of the FHWA's Office of Safety Research and Development and the study's sponsor, couldn't explain why this project on crash causation—normally within the National Highway Traffic Safety Administration's area of responsibility—was mismatched to her agency and the University of Oklahoma.

We Don't Need No Stinking Helmets

According to a 2007 news article in *USAToday*, the boondoggle can be boiled down to two words: no helmets.

The initial proposal called for NHTSA to conduct the study, but the AMA objected. Edward W. Moreland, the AMA's vice president of government relations, was quoted in 2007 thus: "They want to focus on protective equipment." (Read: hel-

met) The association, he said wanted "an independent third party" to run the study.

Sen. James Inhofe, R-Okla., according to *USAToday*, "rewrote the bill to force the DOT to hire the Oklahoma Transportation Center" because, a spokesman said, Inhofe "felt it was the right institution for the project."

Oklahoma State University didn't feel the same way. Samir Ahmed, who would have been the lead researcher on the study, told *USAToday* that "he never asked to do the research and didn't know his organization was chosen until the study was approved in August 2005." He also complained that the motorcycle industry pledged the money, but haven't actually given the center any and predicted that the study's chances of being completed were

50 percent at best.

In the meantime, NHTSA is currently engaged in a pilot study to investigate motorcycle crash causation. It is to test the data collection methodology for the FHWA effort. It will provide insight on the level of effort needed for a full-scale study. The trend lines for motorcycle fatalities have been going in the wrong direction for about a decade. The fatalities rose 127 percent from 1997 to 2006, during the same time that passenger car fatalities dropped.

Despite the urgency of the safety problem, any conclusions regarding countermeasures from this proposed project don't appear to be in the offing. The study remains in limbo, with its federal funding in danger of disappearing if more funders aren't gathered by August. Currently, the FHWA has one year of the funding to obligate to the study or else it will go

back into the general DOT fund, and there is no guarantee that FHWA will be able to get that back for this specific project.

So, let's review: Senator Inhofe and motorcycle lobbying groups force a study on an institution that wasn't eager to take it on, insist that it be performed in a certain way to prevent the study from coming to obvious conclusions, such as: protecting your head in a crash is a good thing. This study that was so important to the industry may not ever be conducted.

Sen. Inhofe, who recently could be heard railing along with his fellow Republicans, about the "pork" and "ridiculous items" in the recently passed American Recovery and Re-Investment Act would no doubt be pleased.

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mesh-sided crib or mesh-sided playpen. When strings are not tied tightly or become loosened with use, the agency warned, the string between the toy and the crib may present a potential strangulation hazard if a child were to become entrapped between the toy and the crib or playpen side.

In 2007, the CPSC issued a second recall notice for mesh-sided cribs sold through a Puerto Rican company, B&B Stores. As in the first notice, issued in 1997, the CPSC warned that the mattress pad compresses, a gap can occur between the side panels and the bed frame, and the snaps can separate from the frame, presenting suffocation hazards. In addition, the side rails can bend, presenting an entrapment hazard.

Although a CPSC spokesman, in responding to the death of Noah Thompson, noted that many manufacturers had abandoned mesh designs in their crib products, some still incorporate mesh into their

designs and mesh continues to pose a suffocation hazard.

Last year, Playkids U.S.A. of Brooklyn, N.Y. was forced to recall about 2,000 convertible cribs, because the mesh sides of the convertible crib expand, creating a gap between the mattress and the side through which an infant can slip. This crib had been implicated in the August 31 death of a 5-month-old child who became entrapped between the mattress and the stationary side rail of the convertible crib and suffocated.

Consumers Union advises parents against putting anything other than a child in a crib – including crib bumpers, stuffed animals, pillows, comforters and other add-ons. "The best crib is a naked crib," says Mays.

VSIRC Now Features Foreign Recalls

The Vehicle Safety Information Resource Center has released Version 1.1 which includes Foreign Recalls. This addition, integrated into the VSIRC system, allows users to get a more complete picture of defect issues.

Beginning in 2001, manufacturers have reported Foreign Recalls to the National Highway Traffic Safety Administration (NHTSA) as required by the TREAD Act. These include recalls of vehicles, tires, child restraints and equipment that are substantially similar to models sold in the U.S.

Users can now apply the VSIRC's advanced research tools to locating these overseas campaigns. A simple search for a U.S. model will automatically retrieve Foreign Recall data and documents for the model twins or substantially similar models recalled overseas. Learning who knew what, where, and when on vehicle defect issues is incomplete without foreign recalls.

You can read more about this addition and how the VSIRC is helping in automotive defect cases in the February edition of *Lawyers USA*. The publication featured an article about the VSIRC and its extraordinary benefits in products liability cases.

Read first-hand accounts of how the VSIRC gives attorneys instant access to defect information that is invaluable in assessing cases, prosecuting cases and saving lives at www.vsirc.com.



Safety Advocates Decry New CDC Triage Guidelines Dropping Rollover

(Cont. from p. 3)

determined that ejection and partial ejection were the common elements of serious injuries in rollover crashes. These criteria remain in the decision scheme for transport to Level 1 trauma centers, they said. Hunt and Sasser also argued that under the new triage guidelines, the elements of just the first two steps in the decision – which include evaluations of respiration, coma, blood pressure, penetrating injuries, paralysis and serious fractures – would most probably result in a rollover victim being sent to a Level 1 trauma center. Ejection and partial ejection from the automobile are included in Step 3.

Lombardo says the CDC focused only on what happens after the EMS arrives and ignored how the guidelines would be used by 911 dispatchers.

“The question of when the dispatchers have enough information and authority to send EMS was not addressed,” he says. “It is that delay between time of crash to time of EMS arrival that often results in needless death and disability. The discussion on ejection, for example, was frustrating because many instances of partial ejection can't be determined by good Samaritans as they pass by and report a rollover by cell phone to 911.”

Lombardo also disputed the claim that there wasn't enough triage literature available. The CDC ignored much of the work done by NHTSA and other resources, he says. Since 1978, NHTSA has collected and published data on more than 300,000 fatal rollover crashes.

“The CDC researchers cited a study of 621 crashes to support their decision to remove the Rollover and Extrication criteria,” Lombardo said. “How many cases of fatalities did they use? How many cases of brain injured survivors? How many cases of spinal cord injuries? How many cases of occult organ injuries? How many cases of preventable deaths were identified in which the EMS system could have been better employed?”

The CDC, however, will not be examining these questions going forward. The Center did not include a mechanism to collect data to determine how these changes would impact patient care or cost.

“This was a pretty intense process – first-of-its-kind, with multiple disciplines looking at these issues,” Hunt says. “We also recognize that this was a first-time endeavor, and no matter how exhaustive we were. We realized we could have missed things.”

CHOP Looking For New Data Partner

PHILADELPHIA, PA – The Children's Hospital of Philadelphia is wooing the National Highway Traffic Safety Administration to become its new partner in children's injury data collection. The research hospital approached the agency, after the State Farm Insurance Company – its longtime sponsor in child crash injury research – shifted its focus to teen driver safety initiatives.

Since 1997, State Farm has provided \$25 million in funding to create the world's largest study of children in crashes. Called Partners for Child Passenger Safety, the alliance paired the research skills of the pediatric hospital with the claims database of the insurer. For a decade, CHOP researchers established a database containing information on more than 600,000 crashes involving more than 875,000 children from birth through age 15 years, and mined the data for answers to research issues ranging from the relationship of seat-back strength to rear-seat child injuries to the effectiveness of child safety restraint recommendations.

In total, CHOP, through the PCPS, produced more than 70 peer-reviewed technical papers that have served as the foundation for federal motor vehicle safety standards, state child occupant laws and other biomedical research efforts.

Although data collection concluded in December 2007, CHOP had already been working on establishing a new system. Earlier that year, NHTSA and the Center for Child Injury Prevention Studies asked CHOP to conduct a study examining the feasibility of using the National Automotive Sampling System (NASS) to collect child injury data. This \$78,000 study was funded by the eight corporate members that comprise CChIPS – Ford, Nissan, Toyota, State Farm, Takata, Britax, Dorel and Volkswagen.

NASS has two operating components: the General Estimates System (GES), which collects data on a sample of police-reported motor vehicle traffic crash reports; and the Crashworthiness Data System (CDS), which collects additional detailed information on a sample of all police-reported motor vehicle traffic crashes, representative of the entire country. A NASS CDS crashes must be police-reported, involve a harmful event resulting from the crash and result in at least one towed passenger car or light truck or van in transport on a roadway.

According to Dr. Kristy Arbogast, Associate Director of Engineering for The Center for Injury Research and Prevention at CHOP, the feasibility study assessed the current NASS

procedures and sampling scheme to determine which of the NASS programs - GES or CDS - identified enough children in crashes so that reliable statistical estimates of relevant parameters could be made. It also determined where in the current NASS GES procedures the new program, dubbed the NASS Special Study on Child Occupant Protection (NASS COP), could branch off for specific child injury data collection. Finally, the feasibility study determined the type of data to be collected and how it might be collected.

Last May, CHOP officials met with auto industry representatives seeking funding for a second study that could be used to demonstrate the project's potential to the agency.

“We propose to use NASS-GES to identify relevant numbers of children in crashes, take a statistically-based sample of those crashes, contact the families, and collect the detailed child specific data we have collected for the last 10 years in PCPS,” Arbogast responded in an e-mail. “We are proposing to conduct a series of pilot studies that will actually do this on a pilot sample of subjects, contact them and collect the data. We will be testing several modes of data collection - web, paper copy and telephone survey - to determine which is the most reliable and efficient.”

Arbogast continued: “A national child crash surveillance system such as NASS-CHOP would support research that will save lives and reduce expenditures – including health-care and insurance costs – that result from preventable injuries. More importantly, in a time of limited resources, it would provide the evidence-base for policy makers and the auto industry to set priorities to maximize the impact on our children's health.”

To date, funders for this new, as-yet-to-be-started pilot study include the Association of International Automobile Manufacturers, the Automotive Occupant Restraints Council, and CChIPS, which provided an additional \$65,000 for the pilot study.

Several other organizations, such as the American Academy of Pediatrics, Advocates for Auto and Highway Safety and the Insurance Institute for Highway Safety have worked with CHOP to develop a strategy for sustainability of the NASS-COP program, she said. NHTSA has also contributed in-kind staff time to these projects, but hasn't yet made a long-term commitment.

“We've had a longstanding relationship with CHOP and are discussing options and nothing has been determined yet,” says NHTSA spokeswoman Karen Aldana.



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Truck Tire Road Debris No Hazard

(Cont. from p. 5)

bris. The evaluation of available crash data shows that vehicle crashes related to truck tire failure and truck tire debris are very rare events that account for less than 1 percent of traffic crash involvements.

The study was launched to investigate the causes of tire failures in heavy- and medium-duty trucks; to determine the extent of truck tire failures for retread tires; and to determine the crash safety problem associated with tire failures on large trucks.

The study evaluated 300 discarded tire casings from truck stops and 1,196 tire fragments that were collected along the interstate highway system at five different locations throughout the country over the summer of 2007. The casings and tire fragments were examined by tire forensic experts to determine the probable failure type, probable axle location of the failed tire, and likely reason for the tire failure.

The casings ranged in age from approximately one to 17 years since the week and year of manufacture. The vast majority of the casings were manufactured since 2000. The retreads ranged in age from a few months to 13 years. Approximately 43 percent of

the 300 casings analyzed were retreads, and 57 percent were original tread casings.

A significant majority of the retreaded casings



were in the first retread stage, with 27 in the second retread stage and five in the third retread stage.

Of the 1,196 tire fragments that were analyzed, approximately 18 percent were from original tread tires, approximately 68 percent were from retreaded tires, and in approximately 14 percent of the examinations no determination as to original tread or retread could be made.

The authors concluded by suggesting three avenues of further study: a longitudinal study of the tire life cycle to determine the factors that influence tire durability and safety under different operating conditions; a commercial medium wide-base tire failure study on the failure propensity of tires on heavy vehicles and their operability after a tire failure; and a more comprehensive study on tire debris to accurately determine its volume and impacts on highway safety.