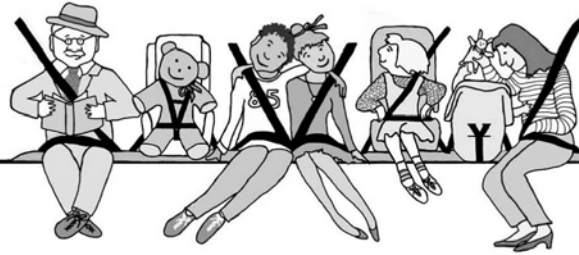


# SafetyBeltSafe News

Volume 32, No. 2



March 2011

## Supreme Court Permits Suit for Lack of Shoulder-Lap Belt

*Lap Belt Only May Not Be Sufficient to Avoid Liability for Death*

On February 23, 2011, in Williamson v. Mazda Motor of America, eight U.S. Supreme Court Justices determined that the Williamson family may sue Mazda in California for the 2002 death of lap-belt-wearing Mrs. Thanh Williamson, based on the absence of a shoulder-lap belt in the rear aisle seat of the 1993 van. Only a lap belt was provided there.

The Court allowed the case to proceed due to the regulatory history of the 1989 National Highway Traffic Safety Administration (NHTSA) decision to mandate shoulder-lap belts for outboard positions only. SBS USA had filed a petition in 1986, asking NHTSA to require shoulder-lap belts in all rear seat locations. (In 2006, center rear shoulder-lap belts were required by Congressional action.)

The 2000 Supreme Court decision in Geier vs. American Honda, had concluded differently, based on both the goal and reasoning of NHTSA staff. Under FMVSS 208, manufacturers could choose to provide either an air bag or a passive safety belt for automatic crash protection for front seat occupants. The goal, to mandate air bags eventually, would best be achieved if there were more time to improve air bag performance and accustom the public to the bags while mandating either passive belts or air bags in the interim. In the present case, however, the only basis for the NHTSA decision to allow the choice of lap-only or shoulder-lap belts in center rear locations was the 1989 cost-benefit analysis that requiring shoulder-lap belts would cost more than the loss of belted occupants in center locations. Thus, the Court in 2011 sees no impediment to state tort lawsuits.

## Safety Seat Checkup Day is Coming!

Petersen Automotive Museum will host Safety Seat Checkup Day on April 16, between 10 am and 2 pm, culminating our annual Safety Seat Checkup Week. Besides checking seats for families who reserve spots and then receive discount tickets to tour the museum, SBS USA invites those saved by a safety seat, belt, or helmet to join us at the 11:30 am ceremony, marking the Week. Posters, donated by ColorGraphics, are available with the event listed for the Los Angeles area; posters without the event are available for other areas and offer our Safe Ride Helpline to answer queries from around the country.

Bonnie Oseas, SBS USA President, and other local Board members will facilitate the event. Meanwhile, sponsors CA Office of Traffic Safety (OTS) and Toyota Motor Sales, U.S.A., enable us to reach out to the press, hold an Educator Workshop on April 1<sup>st</sup>, and engage community leaders around California in supporting child passenger safety (CPS). Flyers, in English and Spanish, may be downloaded from [www.carseat.org](http://www.carseat.org).

The Educator Workshop, a daylong review of the newest information along with program ideas to disseminate the news, is suitable for newcomers and experienced Technicians, and merits 6 Continuing Education Units for nurses and 3 toward recertification as a Technician. Register to attend the workshop, as a volunteer checker, or to book a checkup at 310/222-6860. Ask your community to proclaim the Week; a sample format is available from the office.

## Safety Seat Recall

In February, Dorel announced a recall for **Adjustable Highback Booster, Alpha Luxe, Alpha Omega, Alpha Omega Elite, Avenue, Deluxe 3-in-1, Enspira, Maxi-Cosi Mico, Maxi-Cosi Priori, onBoard, Prospect, SureFit, Surveyor, Uptown, Vantage, and Vantage Point** made 5/1/08 to 4/30/09.

The harness may gradually loosen during normal use, which could increase risk to the child in a crash. Call 866/623-3139 to get lubricant for the harness adjuster pivot pins. The complete list of model numbers can be found on the recall list at [www.carseat.org](http://www.carseat.org).

## Thank You...

(For 2011 membership year)

**\$20,000** Toyota Motor Sales, U.S.A.  
**\$7650** Ohio State Membership  
**\$7500** American Honda Motors  
**\$500** Britax Child Safety  
**\$300** Diane & Michael Poryes  
**\$200**  
Broward Sheriff Fire Rescue  
Children's Healthcare of Atlanta  
Medina County Health Dept  
Oakwood Healthcare System  
Sacramento County Health & Human Services  
SAFE KIDS Sonoma Co.  
San Luis Obispo Public Health Department  
The Automotive Safety Program  
The Chase Foundation  
UAMS Medical Center

## Toyota Motor Sales, U.S.A. Sponsors BAFBK

For 2011, the TMS USA donation is slated to contribute to Safety Seat Checkup Week outreach and training, to support the national Safe Ride Helpline, and to underwrite materials for schools participating in the Los Angeles County Model City/"Boosters Are For Big Kids" push.

Already, the program has been introduced at Webster Elementary, a Pasadena K-5 school where Sharon Lefler, Principal, has set aside spots, labeled Buckle Up, for kids to settle into boosters or belts before the vehicles enter the street, a major issue when valet programs seek to load and disperse a large number of children in a short time.

## Is Safety Seat

## Registration Important?

Paperwork is deemed a bureaucratic characteristic; the U.S. government requires justification for 1) requiring specific information to be collected and 2) for keeping personal information.

NHTSA needs comments on the current system for registering new safety seats, through post-paid cards and online, both sent to product manufacturers; the NHTSA form available for registering seats when the card is missing; the labeling on safety seats as well as the instruction booklets.

If you have better ideas for managing the links to increase the likelihood users will be notified of recalls, for instance, share them at [www.regulations.gov](http://www.regulations.gov). Enter "rule" and Docket Number: NHTSA-2011-0001. Comments are due by 5/2/11.

## Calendar

**Lifesavers 2011, Phoenix, AZ: March 26-29.** Register at [www.lifesaversconference.org](http://www.lifesaversconference.org).

**Safety Seat Checkup Week: April 10 - 16, 2011**

**Educator Workshop:** 3 CEUs for CPST/CPSTI; 6 CEUs for nurses  
Sponsors: CA OTS/Glendora P D  
**April 1, 8:15 a.m. to 4:30 p.m.**  
Altadena, CA

### Safety Seat Checkups:

10 a.m. to 2 p.m. for the public  
9 a.m. to 3 p.m. for checkers

**April 7:** Pomona, CA.

*Sponsors: Pomona Police Dept and CA Office of Traffic Safety (OTS)*

**April 16: Safety Seat Checkup Day,** Petersen Automotive

Museum, Los Angeles

*Sponsor: CA OTS and TMS USA*

*To volunteer or register for SBS USA events, call 310/222-6860.*

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I can help with \_\_\_\_\_

\* E-mail address is required to receive passwords for access to Recall List and CPS Tech Update.

All memberships/subscriptions include *SafetyBeltSafe News*, which qualifies for 1 Continuing Education Unit per year for re-certifying Technicians with subscriber code. \$200 or more includes *Safe Ride News*.

\_\_ Check here if you are a Certified Technician or Instructor and want information about CEUs for subscribers.

**Check below** if you want to receive the following special subscriptions:

\$50 minimum: \_\_ Recall Update Service by e-mail \_\_ Recall Update Service by regular mail (if necessary)

\$100 minimum: \_\_ CPS Tech Update (online access to new instructions since December, 2010)

*Special for \$100 members: Add \$35 and receive Safe Ride News thru 2011 & 2011 DVD of safety seat manufacturers' instructions!*

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## Should Vehicle Manufacturers Rate Safety Seats for Fit?

## Upgraded School Curriculum

NHTSA Proposes Inviting Car Manufacturers to Rate Safety Seat Fit in New Vehicles: Docket# NHTSA-2010-0062 at [www.regulations.gov](http://www.regulations.gov); enter proposed rule #, close date 3/28/11.

NHTSA states if all seats were used correctly and consistently for kids under age 5 in 2008, 79 more children would have survived for a total of 323. Studies of incorrect use, funded by NHTSA, calculated a rate of 79% (SBS USA checkups average more than 90%), with incompatibility of seats and vehicles as a factor. In April, 2009, Secretary of Transportation Ray LaHood decided to enlist vehicle manufacturers in assessing good fits for their own vehicles among seats on the market and share the information with NHTSA to post on [safercar.gov](http://safercar.gov). Following the NHTSA pilot fit program, NHTSA proposes a *voluntary* rule for manufacturers to recommend at least 3 seats of 3 different price points from 3 different manufacturers in 3 categories of safety seat that will fit well in as many of their vehicles under 10,000 lbs as they choose. At least one seat must be a high-weight harness product; only one of the boosters can be backless only.

Compatible seats will reduce incorrect use and, combined with the online rating of ease-of-use already in place, make a substantial dent in the stubborn problem, NHTSA predicts. If the proposal is confirmed, NHTSA will spot-check manufacturers' fit recommendations.

*(continued, pg 4)*

For SBS USA, the concept of peer modeling is a key part of using "Boosters Are For Big Kids" in schools, engaging parent-teacher organizations as educators where possible, to maximize both new learning in a group and potential behavioral modeling by "leadership families."

The new edition of the curriculum includes a "Belt Fit Basics" segment for grades 4 and 5 as our data indicate that most children need to know they don't fit in belts only before age 10-12. For 10 year olds tested, only 51% at age 10 pass the 5-Step Test. A second poster, featuring kids' homework of colored boosters, has been added as well. \$30 with DVD or VHS plus shipping/handling.

SafetyBeltSafe U.S.A.  
P.O. Box 553  
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**SafetyBeltSafe News**

**March 2011**

## ***Kauai—Nowhere is Immune***

*from page 3...*

It's no surprise that residents and visitors alike find Kauai, Hawaii, a place of joy and peace, but tragedy intruded on February 20, 2011. With her siblings, ages 5 and 2 ½ safety-belted in the back, Kaylie Pagelsdorf, 14 months, was killed by an air bag while lap-held by her father, Michael Jr., as he drove into the rear of another vehicle. Michael had been cited in the past for not using a child restraint, not buckling up, transporting unrestrained children, driving without insurance or license. Now he may face manslaughter charges.

How Kaylie died—from the the force of the air bag or her father's forward motion as she sat between him and the steering wheel—can be debated. All three children were riding in violation of Hawaii law. Now the community is discussing whether to focus on the loss with compassion or stress adult responsibility for protecting children from foreseeable injury.

Chuck Hirata, retired police officer from neighboring Maui and long time Child Passenger Safety Technician Instructor, well recognized for his many years of outreach, was quoted in *The Garden Island*. "Unfortunately for this guy, he's going to have the notoriety of having the first child [in Hawaii] killed by an airbag," Hirata said. "That's the kind of thing I've been working all these years to try to prevent."

The tension between identification with the regret of the adult and the clear loss of the child's future leads to often passionate statements. Sad as is the life of a bereaved parent, it is the child who is gone. Hirata stated the attitude of many that this won't happen to them. We must continue focusing on the messages: correct, consistent safety seat use until children really fit in safety belts in the back seat, away from the most common and deadly crash points. Air bags won't hurt children in the back seat. Safety seats will absorb crash forces. And never should anyone sit in the lap of another in a vehicle. Eighty-four percent of crashes involving children are within 20 minutes of home.

Visit [www.nissanusa.com/snugkids/](http://www.nissanusa.com/snugkids/) to see lists, compiled by Nissan engineers, of compatible safety seats for all sizes and ages of children for their vehicles. Run by their CPS Technicians, SnugKids has operated for about 10 years. Sampling the files, one sees as many as 50 seats listed per vehicle.

SBS USA Comments on the Proposal: Feasible, flexible for participation.

Interesting points: NHTSA requires for fit-testing: using non-FMVSS-mandated features, such as anti-rebound bars, LATCH on boosters, tethers for rear facing (if offered); rear-facing with front seat in middle adjustment location or passenger seat entirely forward; without noodles/towels for correct angles for newborns; without webbing on belt buckles twisted for correct placement.

NHTSA permits for fit-testing: in the center, using outboard LATCH bars, even if this eliminates use of both outboard belts; removing, tilting, or raising headrests. NHTSA asks: the basis of requiring 80% support by the vehicle seat of the safety seat base, sometimes raised to 100% by a safety seat manufacturer.

SBS USA concerns: NHTSA will permit seats to "fit" without the tether over 40 lbs., although using a tether with a higher weight seat has not been shown to cause problems and would improve protection; seats from smaller manufacturers might be left out if a vehicle manufacturer tests only three seats per category for fit.

## *Inflatable Safety Belts and Kids—and Aircraft*

SBS USA conferred with Ford Motor Company representatives about the testing they pursued before installing the air bag shoulder belts, optional for rear seating positions, in the new Ford Explorer. The air bag is “cocked” by buckling the belt. Questions about the various possible negative interactions elicited no areas of difficulty in testing with both dummies and an elderly female cadaver. According to the team, the cold gas system has been studied for a decade and tested with various safety restraints. The system employs a high-pressure gas canister with a chemical igniter, not a pyrotechnic system, and when released into the low-pressure environment on impact, it cools, instead of heating. The air bag extends up the shoulder belt from the buckle to the D-ring.

Ford recommends LATCH use with infant-only seats with detachable bases. If the belt is used, only the lap portion is placed in a lockoff in the detachable base as the shoulder belt is thicker than the normal belt. If it is inside the lockoff, it may open it during the crash but will not dislodge the seat shell. No problems were seen when the belt was in a plastic shoulder belt guide for a booster. If the belt were placed behind a convertible seat to reduce risk of the child playing with it and left buckled although the safety seat was LATCHed in place, there would be no dislodging of the seat. Other tested scenarios, showing no injury, were forward-facing seats with both enclosed and partially enclosed “tunnels” behind the forward-facing child’s back and improper belt use, such as under arm or behind the back, and even a dummy “sleeping” on it. In fact, due to its thickness, the belt tends not to rub users’ necks, making it more comfortable and less prone to misuse.

Nonetheless, Britax has issued a clear statement that, for now, none of their models may be used with the system nor with inflatable belts on aircraft. This statement led to discussion with AMSAFE in AZ, maker of aircraft seats and belts used worldwide. Since 2001, inflatable air bags in belts have been present on aircraft, both commercial and general aviation. All such installations must meet FAA regulations. The air bags are designed to inflate in crash conditions only, based on the longitudinal, high G-forces, and have dual sensors to avoid mistaken deployment in hard landings or turbulence. Indeed, such belts are not recommended for use with safety seats but are safe for children. (A special child seat buckle is added to alert the sensor not to deploy the bag.) The air bags deploy away from the person but protect the head and chest from contact with hard surfaces. In real-world crashes, users have been able to walk away from crashed planes, also avoiding risky, potential fuel fires.

Finding these belts isn’t necessarily easy. However, 80% of new general aviation craft have them in the harness straps for the pilot and co-pilot. When present for passengers, the bag may be in the lap or shoulder component. On commercial aircraft, the air bags are added to particular locations with “hard” seats, such as exit rows, bulkhead seats, and some large first class seats. US Airways is including them in all Business Class seats in new aircraft.

To see how the bags deploy, visit [www.gaairbags.com](http://www.gaairbags.com). Recently, the Chairman of the National Transportation Safety Board announced conclusions of a 3-year study of aviation air bags, finding that they provide additional protection in general aviation crashes. Retrofitting the bags on older planes costs about \$3000 and can be done in a wide variety of planes. Video of a crash with a student pilot shows a plane shattered; the passenger was able to flag down the emergency crew on the adjoining street, and the pilot also survived.

### **SPECIAL ENFORCEMENT WEEK: April 3 - 9**

### **Last Tray-Shield Discontinued**

There used to be three configurations of harness systems for safety seats certified to meet U.S. standards: the 5-point harness; the T-shield, and the tray-shield. In the 1980s, it was tough to find convertible seats without an armrest at least in front of the child. Often, the seats used plastic to restrain the lower body area. Unfortunately, this style didn’t fit young children well, leaving gaps or resting closer to the chin than the hips. T-shields have been off the market for more than 10 years; now the tray-shield style is no more. The last was the Scenera tray-shield version by Dorel. Today, every child can use a 5-point “racing harness.”

*SafetyBeltSafe* U.S.A.



# Safety Seat Checkup Day

**Saturday, April 16 • 10:00 a.m. to 2:00 p.m.\***

\*For a checkup appointment, call 310/222-6860. If you do not have an appointment, there may be a wait of more than one hour or you may be turned away.

11:30 a.m. Welcome Ceremony and Recognition of Notable Guests

## Petersen Automotive Museum

6060 Wilshire Blvd., Los Angeles 90036 (Wilshire at Fairfax parking lot)



Buckling up is a family affair.

Safety Seat Checkup Week April 10-16, 2011

***Sponsors: California Office of Traffic Safety, Glendora Police Department, Toyota Motor Sales, U.S.A.***

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### **FREE SAFETY SEAT CHECKUP**

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Meet Bucklebear and his friends.

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SafetyBeltSafe U.S.A. is the national, non-profit, member-supported organization for child passenger safety.

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