

# SUPPORTING STATEMENT FOR RETROFIT AIR BAG CUTOFF SWITCHES

49 CFR Part 595, Retrofit Air Bag Cutoff Switches

OMB Clearance Number 2127-0588

## JUSTIFICATION

**1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.**

Motor vehicle manufacturers began installing air bags in steadily increasing numbers in the late 1980's in response to a Federal requirement for automatic protection. The requirement, which permitted either automatic belts or air bags, became effective in the mid-1980's. Under the provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, installation of air bags was mandated. Driver and passenger air bags were required to be installed in 95 percent of model year 1997 passenger cars and are required in all passenger cars beginning with model year 1998. They were required in all light trucks and vans beginning with model year 1999.

Statute (49 V.S.C. 30101 et seq.), which NHTSA issues Federal Motor Vehicle Safety Standards (FMVSS), prohibits manufacturers, distributors, dealers and motor vehicle repair businesses from knowingly making inoperative any part of a device or element of design installed on or in a motor vehicle in compliance with an applicable FMVSS. (49 U.S.C. 30122). Among those devices are air bags. Pursuant to ISTEA, FMVSS No. 208 Occupant Crash Protection requires air bags to be installed in motor vehicles. Section 30122, however, also authorizes the agency to prescribe, by regulation, exemptions from the "make operative" provision if the exemptions are consistent with safety and section 30101 of Title 49.

The agency has identified four risk groups: infants in rear-facing infant seats, children age 1-12, drivers and passengers with certain unusual medical conditions and drivers unable to sit back from the driver air bag 10 or more inches. These groups are at risk primarily because they are more likely than other drivers and passengers to be very close to their air bags when they begin to deploy. The establishment of 49 CFR Part 595, made it possible for vehicle owners to have their motor vehicles retrofitted with air bag cutoff switches by motor vehicle dealers and repair businesses if the owners are, or a user of their vehicle is, a member of one of the risk groups.

The 49 CFR Part 595, Retrofit Air Bag Cutoff Switches, to allow dealers and repair businesses, upon receipt of completed authorization forms from vehicle owners, to install cutoff switches for air bags. (Although vehicle lessees are also eligible, this justification statement refers only to owners for the purposes of simplicity.) The form is composed in a manner intended to limit the availability of cutoff switches to persons in the risk groups, i.e., persons at risk of being seriously injured by air bags because they are too close to the air bags when they begin to deploy. This limitation is necessitated by the statutory requirement that any exemption from the make inoperative prohibition be consistent with the interests of safety. The vehicle owners must certify that they have read an agency information brochure about air bag benefits and risk. More importantly, they must certify that they are, or a user of their vehicle is, a member of one of the risk groups. In addition, the specific risk group must be identified.

**2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information received from the current collection.**

A vehicle owner who chooses to obtain a cutoff switch must fill out the authorization form and provide it to the dealer or other business that will be installing the cutoff switch. The dealer or business must, in turn, submit the completed forms to NHTSA within seven days. The completed form serves a variety of purposes. First, it seeks to ensure that the vehicle owner has read the agency's air bag information brochure. Reading the brochure is necessary to promote informed decision making by vehicle owners about acquiring and using cutoff switches. Use of the switches by or for people not at risk of serious air bag injury would adversely affect their safety. Second, the form seeks to limit the availability of cutoff switches to persons in one of the risk groups by requiring certification of risk group membership. Third, by requiring that the vehicle owner initial a statement about the safety consequences of turning off an air bag, the form seeks to ensure that the authorization is made with full knowledge of those consequences. Fourth, by requiring the owners to certify the accuracy of the information provided on the form and to acknowledge the applicability of 18 U.S.C. 1001, the form will increase the likelihood of accurate certifications. Fifth, the information on the form will provide dealers and repair businesses with a record (if they choose to keep it) of the persons who have authorized installation of a retrofit cutoff switch.

The submission of the completed forms by the dealers and repair businesses to NHTSA, as required by the regulation, will serve several agency purposes. They will aid the agency in monitoring the number of authorization requests submitted and the patterns in claims of risk group membership. The completed forms will enable the agency to determine whether the dealers and repair businesses are complying with the terms of the exemption, which include a requirement that the dealers and repair businesses accept only fully completed forms. Finally, submission of the completed forms to the agency will promote honesty and accuracy in the filling out of the forms by vehicle owners.

**3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.**

This collection of information does not involve the use of such techniques or of other forms of information technology. NHTSA does not believe that use of technological

information collection techniques by the vehicle owner would be appropriate. The vehicle dealers and repair businesses must submit the original completed forms to the agency. This is necessary because the government must have the original signature of the vehicle owner in the event it decides to bring a prosecution under 18 U.S.C 1001.

**4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.**

There is no duplication of effort in obtaining on off switch authorization. The ability of a vehicle owner to obtain a cutoff switch is dependent upon the owner's providing certain specific certifications and making certain specific acknowledgments to ensure that the exemption is implemented in a manner consistent with safety, as required by law. Those certifications and acknowledgments would not be made in any context other than the implementation of the exemption and thus are not otherwise available. No Federal agency other than NHTSA can issue exemptions from the "make inoperative" prohibition. Information concerning the owner's vehicle is not available from other Federal agencies.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The collection of information burden falls primarily on each vehicle owner who is eligible to authorize installation of a cutoff switch and wishes to do so. The owner must read the information brochure, then fill out and sign a form before he/she seeks to have an air bag cutoff switch installed. NHTSA notes that seeking a cutoff switch is completely voluntary. Likewise, a dealer's or repair business' decision to install a switch is completely voluntary. If a small business does not wish to install the switch, it may decline to do so. Its receipt of a completed authorization form does not obligate it under the agency's regulation to install cutoff switches.

As noted above, if the dealer or repair business accepts a completed authorization form and installs a cutoff switch, it must send the original completed form to NHTSA within seven days. This is necessary because the government must have the original signature of the vehicle owner in the event it decides to bring a prosecution under 18 U.S.C. 1001.

**6. Describe the consequences to Federal program or policy activities if the information is not collected or collected less frequently.**

Without this collection of information, the agency would not have any assurance that vehicle owners are fully informed about the safety consequences of using an air bag cutoff switch to turn off an air bag, and would not have any means to limit the availability of such switches to persons in the identified risk groups. As a result, vehicle owners who are not at risk of air bag injuries might acquire and use cutoff switches, making them and other users of their vehicles less safe, not safer. Without such assurance, the agency would not consider it appropriate to exempt individual dealers or other repair businesses from the above-described "make inoperative" provision of 49 U.S.C. 30122. As noted above, the agency must ensure that any exemption is consistent with safety. If no cutoff switches could be installed, those people in risk groups would be unable to obtain a cutoff

switch to turn off their air bag. Similarly, dealers and repair businesses would be unable to install the cutoff switches without violating the "make inoperative" prohibition.)

Further, NHTSA would not know a variety of information useful in assessing the implementation of the exemption from the "make inoperative" prohibition. For example, it would not know how many vehicle owners are obtaining cutoff switches, the risk groups in which they are certifying membership, or the geographical differences in cutoff switch acquisition or risk group membership certification. Since the information is collected only once, i.e., each time that a vehicle owner seeks to authorize the installation of an air bag cutoff switch, there could be no exemption from the "make inoperative" prohibition if the information were collected less frequently.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.**

There are no circumstances requiring information to be collected in a manner inconsistent with the guidelines in 5 CFR 1320.6.

**8. Provide a copy of the FEDERAL REGISTER notice soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.**

The FEDERAL REGISTER notice soliciting comments on this collection of information was published November 28, 2006, Volume 71, number 228, page 68887 through 68888. No comments were received. NHTSA remains in contact with persons requesting or expressing their views on air bag cutoff switches through our DOT auto Safety HOTLINE at 1-888-DASH-2-DOT.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided to any respondent.

**10. Describe any assurances of confidentiality provided to respondents.**

While the agency has not made any assurances of confidentiality, it plans, pursuant to exemption 6 of the Freedom of Information Act, not to release the names or other identifying information about individual vehicle owners who obtain cutoff switches.

**11. Provide additional justification for any questions on matters that are commonly considered private.**

NHTSA has ensured that information that must be provided on an authorization form is not of a private or intimate personal nature.

**12. Provide estimates of the hour burden of the collection of information on the respondents.**

NHTSA estimated that the time to complete the authorization request was 30 minutes or 0.5 hours. Multiplying the 0.5 hours per form by the 15,000 requests per year yields 7,500 burden hours annually. The cost associated with the 7,500 burden hours is \$75,000 (15,000 requests x \$10 per hour salary of the processing person x 0.5 hours per request processing time).

**13. Provide estimates of the total annual cost to the respondents or record keepers.**

Mailing Signed Forms to NHTSA - Using the above statistical data, the cost of mailing the signed authorization forms by individuals is \$0.39 per form multiplied by the 15,000 annually received forms yielding a cost of \$5,850.

**14. Provide estimates of the annualized cost to the Federal Government.**

Printing and Mailing Information Brochures and Blank Forms Annually- NHTSA will mail a supply of information brochures and blank forms to the 22,750 new vehicle dealers and to each of the 4,100 State Department of Motor Vehicles (DMV) offices, State Highway Safety Offices, and have a stock available for mailing out by NHTSA Hotline personnel and by regional agency offices. The cost of the information brochures is estimated to be \$0.25 each. The cost of the authorization forms is estimated to be \$0.005 each.

The estimated average annual printing cost for the three year period would be  
Information brochures:  $330,000 \times \$0.25 = \$82,500$ .  
Certification forms:  $80,000 \times \$0.005 = \$400$ .  
Total annual printing cost is \$82,900.

Mailing costs to a dealer or DMV office would be about \$2 each. The total would be  $(22,750 + 4,100) \times \$2 = \$53,700$ .

Keeping Hard Copies of Signed Forms - The standard form filled out by vehicle owner's measures 8 1/2" x 11." There are a maximum of two pages in each form. This means that, in the first year, there would be 200,000 sheets of paper (2 pages x 100,000 forms completed), in the second year, there would be 160,000 sheets of paper (2 pages x 80,000 forms completed), and in the third year, there would be 120,000 sheets of paper (2 papers x 60,000 forms completed). The yearly totals would be cumulative; as NHTSA has not specified the number of years it will keep the completed forms.

NHTSA estimates that approximately 250 sheets of paper equal one inch. 250 multiplied by 12 equals 3000, the number of pieces of paper or forms that can be stored in a square foot of space. Under the prior estimate, NHTSA must keep copies of approximately 200,000 pages of the form in the first year. Thus, 200,000 divided by 3,000 equals 67

square feet total used to store all authorization forms submitted in the first year. Assuming a cost of \$30.00 per square foot to store the information in, NHTSA estimates the aggregate cost to it of storing hard copies of the signed authorization forms is approximately \$2,000 in the first year.

NHTSA has not established the period of time it will keep the forms. Therefore, the number of the signed forms to be retained, and the costs of storing the forms would increase in the second year by 240,000 sheets of paper and cost \$2,400, and in the third year, would increase by 180,000 sheets of paper and cost \$1,800. Currently, NHTSA is actually responding to approximately 15,000 respondents per year. These additional costs are \$150 annually.

Electronic Filing and Storage - NHTSA may also decide to store a photographic or electronic image of the completed forms in addition to the original hard copies of the forms.

The cost to the agency of scanning the completed forms into a retention system and set up a data base with owner name, VIN, address, and certified risk group membership is estimated to cost about \$0.80 per form or \$64,000 for 80,000 forms. This is based on the current estimated cost of about \$0.80 for typing in the name and address of those owners requesting air bag deactivation. Therefore, the cost of scanning 15,000 completed requests per year is \$12,000.

The total cost to the Federal Government for the printing, mailing, storing and processing of the requests form the public is \$150,750. This total cost is the result of the annual printing costs (\$82,900), plus the mailing cost (\$53,700), plus the cost of storing forms (\$2,000), plus the cost of storing completed forms (\$150), and the scanning of the completed request forms (\$12,000).

**15. Explain the reasons for any changes or adjustments reported in Item 13 or 14 of the OMB Form 83-1.**

There are no changes or adjustments to items 13 or 14 of the OMB Form 83-1.

**16. For collections of information whose results are planned to be published, outline plans for tabulation, and publication.**

The agency does not have any current plans to publish any of the information collected under this program.

**17. If seeking approval to not display the expiration date for OMS approval of the information collection, explain the reasons that display would be inappropriate.**

If the standard form is approved, NHTSA intends to display the expiration date for OMB approval.

**18. Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.**

No exception is made to any of the items in the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.