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## When Auto Safety Is Against The Law

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SAM KAZMAN  
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**I**n 1997, between 20 and 40 Connecticut residents were killed by a defective product. The dangers of this product have been documented for more than a decade, and its potentially lethal nature has even been noted by a federal appeals court. Yet not only is this product still around, it's actually a mandatory component of every new car sold in this country.

The product is the federal government's new car fuel economy standards, known as CAFE (for corporate average fuel economy). CAFE imposes a minimum fuel economy requirement on every automaker's yearly output of new cars in the United States. The current passenger car standard is 27.5 miles per gallon.

The connection between fuel economy mandates and car safety is relatively straightforward. Downsizing a car is one of the most effective means of increasing its fuel economy. Since CAFE's enactment in 1975, auto fuel economy has more than doubled, while the average weight of a new car has dropped by about a thousand pounds. Some of this was caused by the mid-'70s Arab oil embargo; consumers, facing the prospect of steadily rising gasoline prices, demanded more fuel-efficient cars. As a result, fuel economy rose even faster than required by CAFE.

But when gasoline prices stabilized and then began to fall in the early to mid-1980s, consumers once again sought out larger cars. It was at this point that CAFE began to restrict vehicle production, causing automakers to raise the prices and restrict the availability of large cars. More fundamentally, the industry undertook design changes aimed at an overall downsizing of its new cars.

The resulting fleet was more fuel-efficient than it would have been absent CAFE, but it was also less safe. The laws of physics dictate that small cars are less crashworthy than similarly equipped large cars in practically every type of accident. Small cars have less mass to absorb collision forces and less space in which to protect their occupants. Small cars can be made safer, through such features as collapsible steering wheels and air bags, but they will still not be as safe as large cars having these features.

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A 1989 study by Robert Crandall of the Brookings Institution and Harvard Public Health Professor John Graham analyzed CAFE's safety effects. They concluded that CAFE was responsible for a 500-pound downsizing of the average car. The result was a 14 percent to 27 percent increase in occupant traffic deaths. A new study by the Competitive Enterprise Institute shows that, for 1997, this translated to 2,600 to 4,500 additional deaths nationwide. In Connecticut alone, which suffered about 175 car occupant deaths in 1997, CAFE was responsible for about 20 to 40 of those deaths.

As lethal as CAFE is, it may get worse. The Sierra Club claims that raising CAFE is "the biggest single step we can take to curb global

warming." It advocates a CAFE standard of 45 mpg, a goal that both President Clinton and Vice President Gore have supported. But according to Graham, raising CAFE to just 40 mpg would add another 5 percent to the occupant death toll. As the CEI study shows, this would mean that at current levels the United States would suffer 3,800 to 5,700 CAFE-induced deaths annually, 30 to 50 of them in Connecticut.

Are these deaths worth whatever social goals are served by CAFE? You won't find an answer from CAFE's proponents, because they uniformly deny that CAFE kills anyone. Even the National Highway Traffic Safety Administration, which administers CAFE, has played fast and loose with the CAFE safety issue, refusing to admit that any of its yearly standards has a measurable impact on safety. In 1992, in a suit brought by CEI and Consumer Alert, a federal appeals court rejected NHTSA's approach as resting on a combination of "fudged analysis," "statistical legerdemain" and "bureaucratic mumbo-jumbo."

NHTSA, however, hasn't changed its position. In recent years the agency has suggested that we need even more downsizing — specifically of sport utility vehicles, which supposedly constitute a grave hazard to passenger car occupants. But NHTSA's 1997 study of this issue showed the opposite: Downsizing SUVs by a hundred pounds each would have a "negligible" effect on safety, while upsizing passenger cars by the same amount would save more than 300 lives annually. Not surprisingly, these aspects of the study were omitted from the agency's spin.

If CAFE were a privately manufactured product, it would have been recalled long ago. But CAFE is a product of politics, and politics is a different world entirely, a world in which an agency whose middle name is safety can administer a policy that kills people.

*Sam Kazman is general counsel of the  
Competitive Enterprise Institute.*