

Status Report on the United States of America's Consideration of GTR 1 on Door Locks and Door Retention Components for Incorporation into Its Domestic Standards

Transmitted by the United States of America

The United States of America (U.S.), as a Contracting Party to the 1998 Global Agreement, under the World Forum for Harmonization of Vehicle Regulations (WP.29), voted in favor of establishing the first global technical regulation (GTR) on Door Locks and Door Retention Components (GTR 1) at the November 18, 2004 Session of the Executive Committee. Per paragraph 7.1 of Article 7 of the Agreement, the U.S. was accordingly obligated to initiate the process for adopting the provisions of GTR 1 into its domestic standards.¹ On December 15, 2004, the U.S. issued a notice of proposed rulemaking (NPRM) closely based on GTR 1, which satisfied this obligation (69 FR 75020; Docket No. NHTSA-2004-19840; NPRM).

As of November 18, 2005, the end of the one-year period after the date of the establishment of GTR 1 in the Global Registry, the U.S. had neither adopted the GTR nor decided not to adopt the GTR into its own laws or regulations. Per paragraph 7.4 of Article 7, the U.S. is accordingly obligated to submit a report to the Secretary-General on the status of the GTR in its domestic process. The submission of this document satisfies that obligation as well.

Notice of Proposed Rulemaking

The initial step in the rulemaking process used by U.S. regulatory agencies for adopting new regulations is to develop and then publish a document containing the proposed rule, the notice of proposed rulemaking (NPRM). The purpose of the NPRM is to inform the public about the proposal and the basis for it and request public comment on it. The public comment process serves a number of purposes, including giving persons the opportunity to: provide the regulatory agency with information that will enhance the agency's knowledge about matters related to the proposal; and challenge the factual assumptions, analyses, and tentative conclusions underlying the agency's proposal and show in what respect they are in error.

With the exception of minor differences, the December 2004 NPRM is based closely on GTR 1. These minor differences are as follows:

- The NPRM proposed application to 12- and 15-passenger vans and smaller buses under 10,000 lb with hinged or sliding doors; the GTR does not. This reflects the fact that these vehicles comprise a larger portion of the U.S. vehicle fleet than do in fleets outside the U.S.
- The NPRM proposed to maintain, but clarify, the language of the current requirements of U.S. Federal Motor Vehicle Safety Standard (FMVSS) No. 206 for rear side door locks. The GTR allows for an option of the rear door lock system meeting either the current FMVSS No. 206 requirement or requiring a system that allows the door to be unlocked and opened with a simple actuation of the interior door handle as long as there is a child safety lock. These options for the rear side door lock system in the GTR address the need for egress from a rear seat, while respecting the need to prevent children from opening a

¹ While the Agreement obligates such contracting parties to begin their processes, it leaves the ultimate decision of whether to adopt the GTR into their domestic law to the parties themselves.

locked door. In the GTR, neither type of system is prohibited as a supplemental safety device. It was left to a country's discretion which system would be required as the primary safety device. The NPRM does not prohibit child safety locks as a supplemental system.

- The GTR also allows the option of the sliding door tests to be performed on either a vehicle or door body-in-white (i.e., pre-production), or the post-production door or vehicle. The body-in-white option is important for countries that certify components and vehicles under a type approval system. Since the U.S. does not use a type approval system and conducting these tests on body-in-white vehicles or doors would create enforceability issues, the NPRM proposed that the tests be conducted on the post-production vehicle or door.²

The Working Party on Passive Safety (GRSP) and the WP.29 are aware that the U.S. intended not to follow GTR 1 in these areas.

Summary of Public Comment Received in Response to the NPRM

The U.S. received comments in response to the NPRM from motor vehicle manufacturers, motor vehicle manufacturer trade associations, vehicle component manufacturers, an advocacy organization, and an individual citizen. Comments were submitted by: Nissan North America; Porsche Cars North America; America Honda Motor Company Limited; Blue Bird Body Company, a bus manufacturer; Alliance of Automobile Manufacturers; Association of International Automobile Manufacturers, Inc.; Truck Manufacturers Association; TriMark Corporation, a door latch manufacturer; Delphi, a vehicle component manufacturer; Advocates for Highway and Auto Safety, an advocacy organization; and Barb Sachau, a private citizen.

Vehicle component manufacturers, motor vehicle manufacturers, and their representative associations generally supported the proposed rulemaking as well as the GTR process. These commenters did raise issues regarding some of the proposed performance requirements and test procedure specifications. Some of these commenters also requested additional clarification of the proposed rule.

The advocacy organization generally opposed the GTR process, claiming that it did not sufficiently provide for involvement from public interest groups. That organization also generally opposed the proposal, stating that it was not stringent enough and would not provide adequate protection against passenger ejection. The private citizen generally requested stronger standards for vehicle doors.

Development of the Final Rule

The U.S. has evaluated the public comments submitted and is working on the Final Rule. In the Final Rule, the U.S. will explain whether and why it agrees or disagrees with the substantive comments it received and describe the changes, if any, it made to the rule in response to the comments with which it agrees. The expected publication date of the rule is in Spring 2006.

² When NHTSA conducts compliance testing under a FMVSS, it follows the test conditions and procedures specified in the FMVSS. While a manufacturer may choose to follow different conditions and procedures in conducting testing to provide a basis for certifying compliance with the FMVSS, it must be able to demonstrate that its chosen conditions and procedures will produce comparable results.

The effective date of the rule proposed in the NPRM was September 2008. A final decision on the effective date will be made in the Final Rule.