

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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December 11, 2020

Mr. James Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Acting Administrator Owens:

The Subcommittee on Economic and Consumer Policy encourages the National Highway Traffic Safety Administration (NHTSA) to open an investigation into dangerous practices and unfair and deceptive marketing regarding children's car seats and booster seats. The Subcommittee's investigation into this matter found evidence of unfair and deceptive marketing and unreasonable risks to safety, as detailed in the attached staff report, which we released on December 10, 2020. Among other things, the Subcommittee found:

- Despite a decades-old expert consensus that booster seats are not safe for children under 40 pounds, five out of seven manufacturers the Subcommittee investigated—Evenflo, Graco, Baby Trend, Artsana (Chicco), and KidsEmbrace—marketed booster seats for children as small as 30 pounds.
- Evenflo, Graco, and KidsEmbrace deceptively marketed their booster seats as “side-impact tested,” although none of the companies conducted a reasonable test that measured risk of injury or death to children.
- KidsEmbrace misleadingly claims that *all* of its booster seat models are side-impact tested, when in fact only a few models and configurations are tested.
- Britax, Dorel, and Artsana deceptively market their booster seats with unsubstantiated claims about side-impact protection “safety features,” while failing to disclose that those features have not been objectively shown to increase child safety.

We believe that this conduct constitutes unfair and deceptive practices and poses an unreasonable risk to safety. We therefore urge NHTSA to open an investigation into this matter and appropriately exercise its “broad enforcement authority under existing statutes and

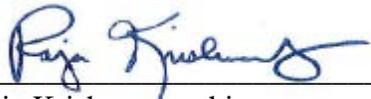
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regulations to address existing and emerging automotive technologies.”¹ We have previously addressed NHTSA’s failure to require appropriate booster seat labeling recommendations and side-impact testing through rulemaking.² Due to this regulatory lapse, we believe that NHTSA must now rein in manufacturer’s misconduct through its other enforcement tools.

The Subcommittee is grateful for your attention to this matter and looks forward to hearing your findings and working with you to protect consumers from deceptive marketing and children from unreasonable safety risks. If you have any questions, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Raja Krishnamoorthi
Chairman
Subcommittee on Economic and Consumer Policy



Katie Porter
Member of Congress

Enclosure

cc: The Honorable Michael Cloud, Ranking Member
Subcommittee on Economic and Consumer Policy

¹ National Highway Traffic Safety Administration, *Understanding NHTSA’s Regulatory Tools: Instructions, Practical Guidance, and Assistance for Entities Seeking to Employ NHTSA’s Regulatory Tools* (online at www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/understanding_nhtsas_current_regulatory_tools-tag.pdf) (accessed Dec. 8, 2020).

² Committee on Oversight and Reform, *Press Release: Oversight Subcommittee Seeks Briefing from NHTSA on Children’s Car and Booster Seat Safety Standards* (Nov. 19, 2020) (online at <https://oversight.house.gov/news/press-releases/oversight-subcommittee-seeks-briefing-from-nhtsa-on-children-s-car-and-booster>).