

STATEMENT OF MARGARET GILLIGAN, DEPUTY ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, CONCERNING H.R. 1309. AUGUST 1, 1996.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee to discuss H.R. 1309, legislation sponsored by Representative Lightfoot to require the use of child safety restraint systems aboard commercial aircraft. Accompanying me today is Louise E. Maillett, Acting Assistant Administrator for Policy, Planning, and International Aviation.

Children under the age of two are permitted to travel on commercial aircraft when seated on the lap of an accompanying adult. However, FAA strongly encourages the use of a certified child restraint system for small infants and children traveling in air transportation. FAA does not require the use of child restraint systems, or CRS's, because our study of the issue has led us to believe that to do so would result in a larger number of deaths and injuries from diversion of passengers to a less safe mode of transportation.

The position we have taken to date can sound jarring. But the rationale behind it has been supported by several studies comprised of thorough analysis by both FAA and outside experts in transportation and economics.

This analysis was most recently updated as part of the FAA's mandate to report to Congress on child restraint systems under section 522 of the Federal Aviation Authorization Act of 1994. This report was issued in May of 1995, and the analysis conducted in conjunction with the report supports the results of previous work on CRS use aboard aircraft.

Let me take a moment to explain the results of the study.

- First, the study found that, when CRS's that are fully effective for all infant and small children weights become available for use in aircraft, a CRS mandate could prevent an estimated five infant fatalities over the next ten years.
- If CRS's are mandated and families pay full fare for every family seat, the average additional cost over ten years would be about \$200 to each family, per family trip. In other words, families would pay an additional \$109 million per year to fly.
- Families will react differently to the price increases, but in general, families are very price sensitive. Where travel by another means, such as the automobile, is an option, our study found that if families traveling with infants are charged full fare, only 27 percent of families would still travel by air. Over half, or 53 percent, of families would not travel at all. Twenty percent of families would choose other modes of transportation. And that's the problem.

- Any other mode of transportation is less safe than air transportation. As a result of that 20 percent shift, it is estimated that 82 more deaths would occur among children and adults over ten years.
- It has been pointed out that, if CRS use were mandated, carriers might act to keep families as customers by choosing to lower fares for infants, or via some other marketing strategy. Our study took that possibility into account and found that were air carriers to charge just 25 percent of the full fare price, some families would still choose another way to get to their destination. There would still be an increase of 17 child and adult deaths over ten years.

The bottom line, Mr. Chairman, is that our study of the issue of mandating the use of CRS's for children under two years of age tells us that to require such use could result in more deaths and injuries, unless airlines choose not to charge to provide a separate seat for the use of CRS's. As you know, the FAA does not have the economic authority to require that airlines charge any price, or no price, for any seat. With that in mind, we chose what we believed to be the best approach under the circumstances -- a policy of strongly encouraging the use of CRS's aboard aircraft.

In June of last year, FAA initiated its campaign to get children "off laps and into straps". FAA Deputy Administrator Linda Hall Daschle announced several activities underway to

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further the goal of enhancing air safety for children by advocating the use of effective CRS's appropriate for aircraft.

As a result of research conducted by FAA's Civil Aeromedical Institute, or CAMI, in 1994, FAA announced a proposed regulation that would ban the use of booster seats and harness and vest restraints on aircraft. CAMI studies revealed that these devices do not provide adequate protection for young children aboard aircraft. The final rule banning the use of such restraints was published on June 4 of this year, along with a National Highway Traffic Safety Administration (NHTSA) rule prohibiting certification of such devices for use aboard aircraft, and requiring that those devices be labeled as not certified for use in aircraft. These regulations become effective on September 3.

We have developed useful guidance to inform parents and others who are confused by the array of seats or other devices on the market, and unsure about which type of restraint is appropriate for their child. The recommendations FAA made were based on CAMI test results, and are that children fly restrained as follows:

- Children under 20 pounds should be restrained in a certified, rear-facing CRS;
- Children weighing between 20 and 40 pounds should be restrained in a certified, forward-facing CRS; and