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Testimony of

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Hearing before the

House Committee on Energy and Commerce

Consumer Protection and Commerce Subcommittee

On

**“Summer Driving Dangers: Exploring Ways to Protect Drivers
and Their Families”**

Thursday, May 23, 2019

Madam Chairwoman, I am Janette Fennell, the founder and president of KidsAndCars.org. We are an organization dedicated to improving the safety of children in and around motor vehicles. I wish to thank you and the members of the Consumer Protection and Commerce Subcommittee of the House Committee on Energy and Commerce for inviting me to appear before you today to testify on the important issue of child safety. I come before you today because there are a number of legislative measures which will save the lives of thousands of people, especially children, that Congress should take immediate and swift action on. KidsAndCars.org appreciates the opportunity to express our views on the Hot Cars Act and other available technologies that will save the lives of children.

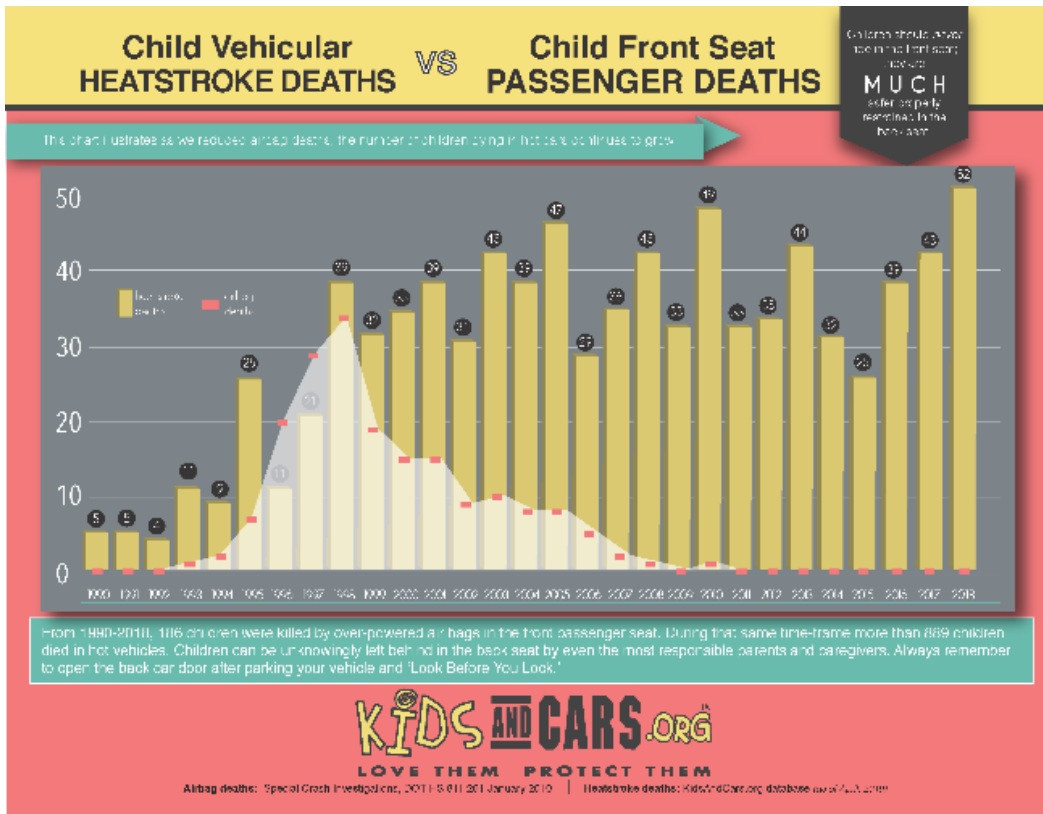
In 1996 my family was kidnapped at gunpoint and locked in the trunk of our vehicle. Thankfully, we all survived, and we used this traumatic experience to help guide the Federal Regulatory process to ensure that no one else had to end up in the trunk of a vehicle without a means of escape. Now, all vehicles 2002 or newer come with a glow-in-the-dark internal trunk release as standard equipment. Though we are proud of that accomplishment, the most important lesson we continue to learn every day is that these simple changes to vehicles save lives. In fact, not one person has died in a vehicle equipped with an internal trunk release mechanism. Not one.

Children, especially young children, are unaware of the dangers that they can encounter each day in and around motor vehicles, even vehicles that are not moving. While it is the responsibility of parents and other adults to protect our children, many parents are themselves unaware of the risks presented by the simple act of moving the family car in the driveway.

Hot Cars

Last year alone fifty-two (52) children died in hot cars. This was the worst year in history and a 37% increase based on an average of 38 deaths per year. Logic would tell us at a time when we have the highest levels of education and public awareness, the number of fatalities should decrease; but in fact, the number of deaths has increased. Once and for all we must reach an agreement that education alone will not and cannot put an end to these needless tragedies.

Starting in the mid-90s, parents were told to transport their children in the back seat of vehicles to protect them from airbags in the front seat. Laws were passed requiring this new behavior, forever changing how Americans transport their children.



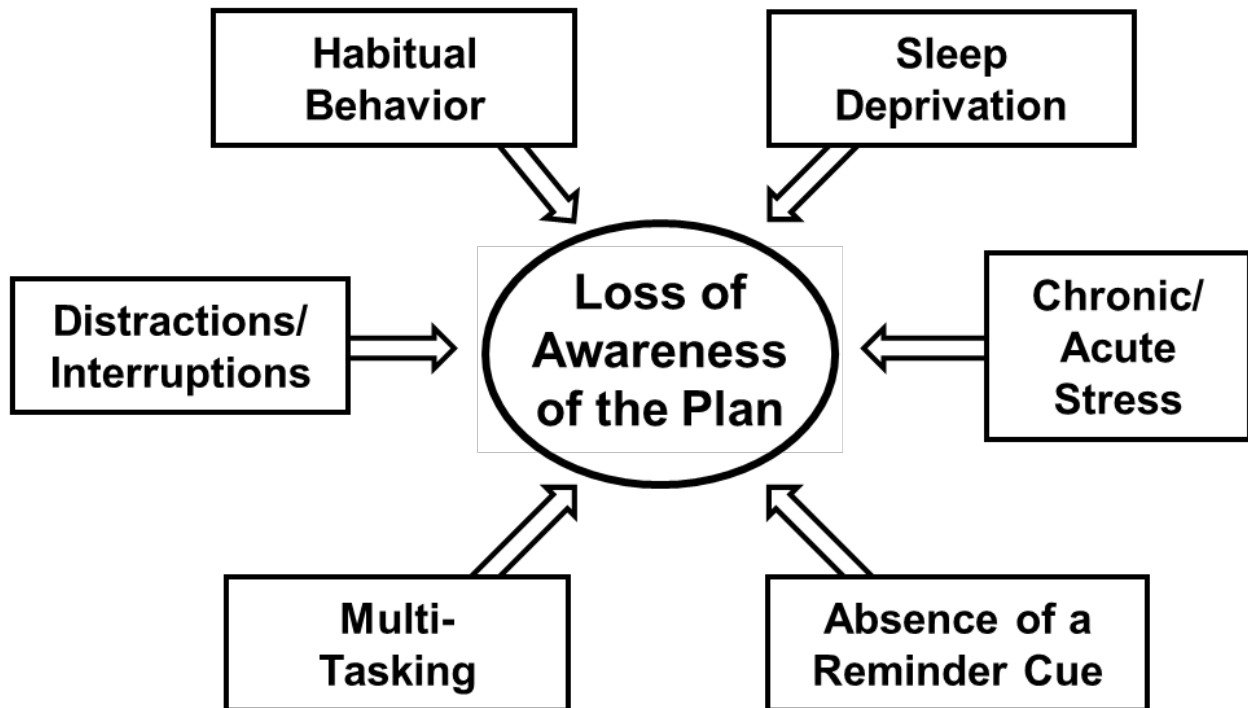
This was precisely when we ***should have*** added technology to our vehicles based on the fact that children were placed out-of-sight causing even the most attentive drivers to lose awareness of a child's presence. Adding to this risk of losing awareness are rear-facing car seats that look the same whether a baby is in them or not and the fact that many babies fall sound asleep during car rides.

Because we failed to recognize the unintended consequence of children traveling in the back seat, we are grieving the deaths of almost 900 children and counting...

A vehicle acts like a greenhouse, with 80% of the increase in temperature happening in the first 10 minutes. When a child becomes trapped in a hot vehicle, it takes only minutes for their core body temperature to rise to 105 degrees. Children have died in hot cars on days where the outside temperature was in the 50s.

About 27% of hot car deaths involve a child that got into a vehicle on their own, but was unable to get out. Approximately 13% were knowingly left and the overwhelming majority, 56%, was unknowingly left by an otherwise responsible, loving parent or caregiver.

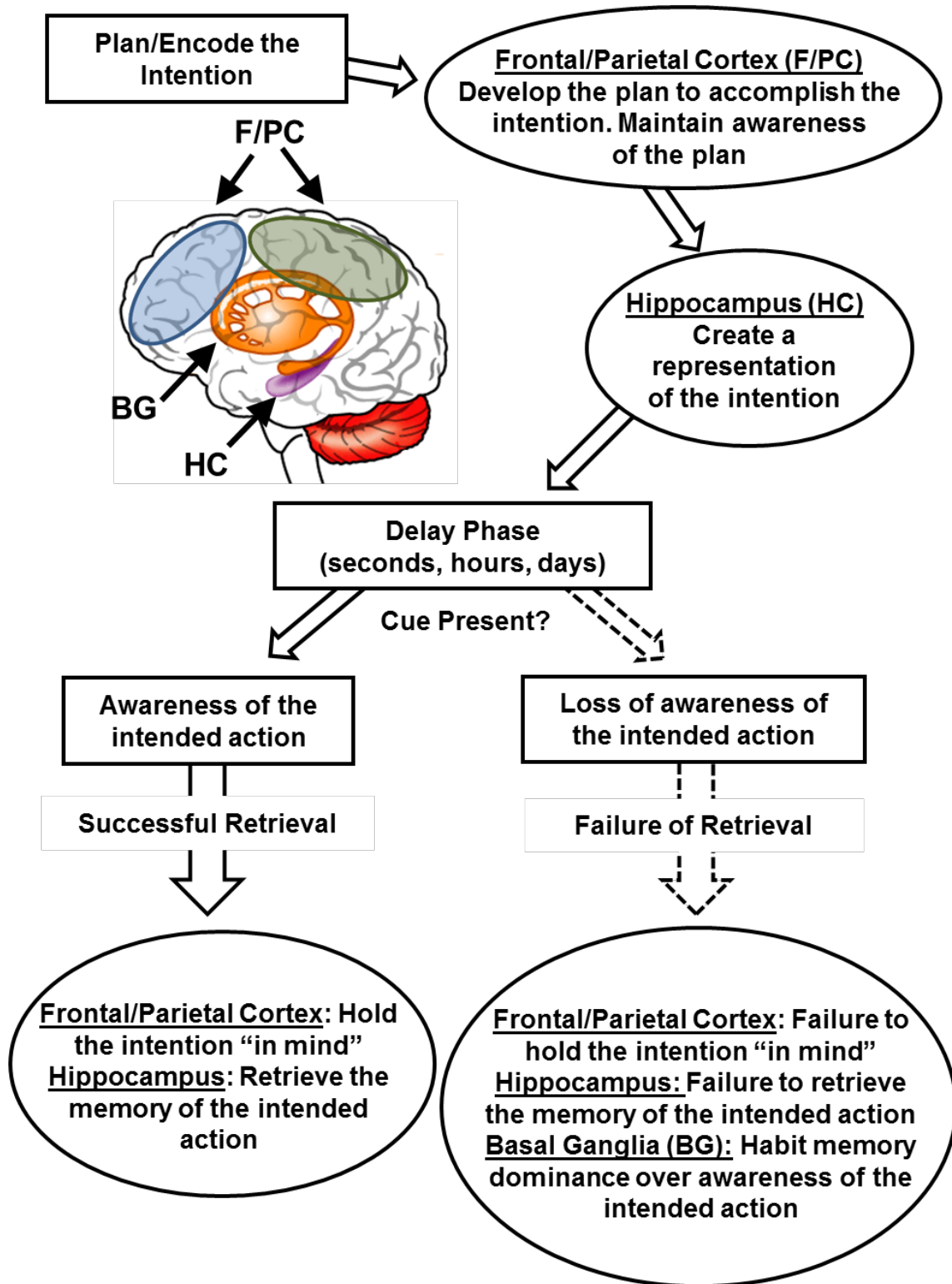
Factors That Contribute to a Failure of Prospective Memory



Prospective memory failure – the science behind hot car tragedies

The most difficult aspect of ending these tragedies is overcoming the misconception that this only happens to “bad parents.” Nothing could be further from the truth. Memory failures are remarkably powerful and happen to everyone regardless of gender, class, personality, race or other traits.

Dr. David Diamond, professor of psychology and memory expert at the University of South Florida, has studied hot car tragedies for well over a decade. Simply put, his expert conclusion is that you cannot train your brain not to forget.



Consider this, an exhausted parent was up all night with a cranky baby. After months of sleep deprivation, both parents are running on fumes. Mom normally takes the baby to daycare, but is running late. Dad agrees to do daycare drop-off. He straps the baby into the rear-facing car seat and begins his commute to work. He is driving to work on autopilot. The baby is sound asleep. Dad loses awareness of the baby in the back seat. Both parents think the baby is at daycare. Fast forward to 5 pm. The mother arrives at daycare to pick up her child

and is told the baby was never dropped off that day. After frantically placing calls to her husband, he runs to the parking lot to find his baby, dead, in the back seat of his car.

When a parent fails to execute the plan, that memory is not destroyed. It's just suppressed.

When most people think about memory, they think about retrospective memory - the ability to recall things in the past. Our other type of memory is called prospective memory - the ability to plan and execute an action in the future, for example, the intention to drop the baby off at daycare.

Prospective memory is more prone to forgetfulness. If you've ever forgotten something on top of your car or failed to run an errand, you've experienced the fickleness of prospective memory. Unknowingly leaving a child in a vehicle is a prospective memory failure.

Most people spend a lot of time on routine behaviors, doing the same activities over and over create habit memories which allows you to perform those behaviors on "autopilot" without thinking about them. For example, driving to work every day.

Studies show that in autopilot, the brain is unable to account for a change in routine without a disruptive reminder. The reason is that on autopilot, you are functioning off of habit memories, not what is actually happening here and now. The catch here is that habit memory suppresses and completely overtakes the prospective memory — regardless of the importance of your plan. In other words, autopilot can take you to work, but won't allow for a change in routine to drop the baby off at daycare unless there is some type of audio, visual or other disruptive reminder to do so.

Autopilot is more common during times of stress and fatigue - both of which all parents of young children experience.

These cognitive failures have nothing to do with a parent's love for their child or ability to care for them.

Nobody in this world has an infallible memory.

People are still being criminally charged for something they didn't even realize they were doing (or not doing). These incidents are not a crime, but a public health issue. Every incident should be thoroughly investigated, but the element of memory failure needs to be considered in the overall assessment of the case.

Prof. Diamond wrote that his theory is that children forgotten in cars results from the driver losing awareness of the presence of the child due to a complex memory dynamic – basically a parent fully intends to perform an action, such as attending to a child. However, something, perhaps an unrelated activity or incident, derails that intention.

But to make matters worse, when people assume something happens, the brain can turn it into a false memory. That's why many of these parents go about their day thinking they had dropped off their child. They discover their critical error when they go to their daycare to pick up their children after work.

We can't predict who is going to experience this type of memory failure because it can literally happen to anyone. But, we know the certain factors that will lead to it. When new information comes into those routines, such as a parent's daycare drop-off day suddenly changing or an emergency phone call from a boss on the way to work, that's when memory failures can occur.

Solutions

KidsAndCars.org and others have been educating parents on this topic for over 20 years. But, education is not enough. We cannot educate every single parent, grandparent, babysitter and caregiver in the country. And even if we could, most caregivers who are educated about hot car deaths still adamantly believe this could never happen to them.

We need to focus on technology because we've proven year after year that knowing this can happen to you and hearing it on the news and knowing it happens to great parents, is not changing anything.

It's essential, then, that we rethink how vehicles can protect us.

For over a decade, advocates have informed the National Highway Traffic Safety Administration about these deaths and the technology that could help prevent such tragic deaths but they are not working toward a solution.

The auto manufacturers realize humans need reminders. Our vehicles remind us to buckle our seat belts, turn off the headlights and take our keys with us. Some even remind you not to forget your cell phone.

Technological solutions are readily available that could detect the presence of a child inside a vehicle and prevent these horrific tragedies. There are a number of various systems that use motion, weight, vital sign, carbon dioxide and other sensor systems to sense the presence of a living being inside a vehicle. We already have similar sensing systems in vehicles to remind us to buckle up and those that turn the front seat air bags on or off.

Not only could these systems be effective in preventing children from being left in vehicles, they would also be able to provide alerts if a child gained access to a vehicle and became trapped. The same systems that could protect children could also protect animals or adults who were unable to get themselves out of a hot car.

Several auto manufacturers are already starting to include technology in some makes and models in an attempt to prevent hot car incidents. Yet, it is important to note that there is a wide variety in the potential effectiveness of the systems, and this will continue to exist without a minimum performance standard.

Making these life-saving technologies standard in all motor vehicles is necessary because if given the choice, most parents and caregivers would not purchase aftermarket technology that they do not think they need. Standardization of technologies is important to ensure that systems are effective and reliable.

Right now, somewhere in the United States, dozens of families are going about their daily lives unaware that by year's end their child will die in a hot car. They will suffer the same loss that has already consumed over 900 families in our country and this will continue to happen until Congress directs the agency to regulate in this area. We must act NOW.

Frontovers

Every year, thousands of children are hurt or killed because a driver moving forward very slowly didn't see them. These incidents for the most part take place in driveways or parking lots and are referred to as 'frontovers' (the opposite of a backover).

Frontovers can happen in any vehicle because all vehicles have a front blindzone, the area in front of a vehicle where you can't see from the driver's seat. The danger tends to increase with larger vehicles. In general, the blindzone in front of vehicles ranges from 6-8 feet and very few drivers are aware that this blindzone exists.

BLINDZONES

THERE ARE AREAS ON **ALL SIDES** OF **ALL** VEHICLES WHERE A CHILD CAN'T BE SEEN BY THE DRIVER - IN FRONT, IN BACK AND ON THE SIDES.



Tips for parents and caregivers:

- Children commonly follow people out of the home unnoticed to say hi or bye-bye. Directly and actively supervise children when anyone is arriving or leaving the home.
- Never allow toddlers to walk in parking lots - carry them or use a stroller or shopping cart.
- Hold hands with older children and teach them to watch for cars because drivers can't see them.

Data Source: KidsAndCars.org as of March 2019

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Statistics

The National Highway Traffic Safety Administration April 2018 report (DOT HS 812515) states that frontovers are responsible for 366 deaths and 15,000 injuries per year. We are now seeing more children injured and killed in frontovers than backovers, likely thanks in part to the rearview camera requirement which took effect in May of 2018.

Over 80% of frontovers involved a larger size vehicle (truck, van, SUV), which have become increasingly popular over the last decade. In fact some auto manufacturers no longer produce sedans.

The predominant age of child victims is 12-23 months. And, tragically, in over 70% of these incidents, a parent or close relative is behind the wheel.

Toddlers are extremely vulnerable because they have established independent mobility at around 1-2 years. Yet, they have not developed the cognitive ability to understand danger. Young children are impulsive, unpredictable and still have very poor judgment. Additionally, they do not recognize boundaries lines such as driveways, sidewalks or streets. This is a real combination for disaster.

Common circumstances

The “bye-bye Syndrome” happens when a child exits the home unnoticed and follows a parent or loved one into the driveway without their knowledge. This is one of the most common scenarios. Another very common scenario is when a child gets in front of a moving vehicle in a parking lot and the driver does not see them or does not have time to stop before hitting the child.

Solutions

It makes no sense that drivers are behind the wheel of a 3,000-pound lethal weapon, and cannot see what is directly in front of their vehicle. Technological solutions exist that could prevent frontover fatalities.

Automatic emergency braking (AEB) is now available in select vehicle makes and models. Also available on select vehicle makes and models is technology that uses a series of cameras and sensors to allow the driver to see all sides of the vehicle as birds-eye or 360° view technology.

Much like rear blindzones, front blindzones which are killing and injuring thousands every year is unacceptable, especially when the technology exists to remedy the problem. The bottom line is that it is impossible to avoid hitting something you literally cannot see.

How many children must pay with their lives before we use what is sitting right in front of us to save them?

KidsAndCars.org urges Congress to take action to pursue solutions to this solvable problem, including but not limited to minimum performance standards for AEB and other technologies.

Keyless Ignition



KidsAndCars.org has documented 31 fatalities and 71 injuries due to carbon monoxide (CO) involving keyless-ignition vehicles being inadvertently left running inside an attached garage since 2006 in the United States. This is a vehicle design flaw that can be easily remedied with an automatic ignition shut-off feature.

Vehicles with keyless ignitions can easily be unknowingly left running without the keys inside the vehicle. Many drivers are accustomed to using a traditional key to start and stop their vehicle. When a traditional key is removed, that means the vehicle engine is turned off. However, in vehicles with a keyless ignition, the driver can walk away with their keys in-hand while the vehicle is left running. When a vehicle is left running in an attached garage, colorless and odorless CO fumes seep into the home silently claiming their victims.

In 2011, the National Highway Traffic Safety Administration proposed a new rule and said costs to solve the problem were 'minimal.' Yet, eight years later nothing has been done.

This year, 91 percent of new cars will have a keyless ignition. People will continue to be severely injured or killed until action is taken. Solutions are cost efficient and readily available. We urge Congress to swiftly enact the PARK IT Act, S. 543.

Final Thoughts

We cannot wait any longer or continue to stand by while families needlessly suffer the death or serious injury of a loved one. Every day, I work with parents who have had to bury a child and who cannot understand why feasible and affordable safety systems are not standard equipment on every car sold in the United States. When we develop vaccines to protect children from deadly diseases, we make them available to everyone. Now is the time to make these motor vehicle safety vaccines available to every family. I can think of no more eloquent statement on the need for basic safety features in all vehicles than the one from Automotive News, the publication that covers the automotive industry, "All safety-related devices should become standard equipment on all vehicles. No choice. It's not an economic decision; it's a moral decision. When the choice becomes profit vs. lives, the decision should be simple."¹

You have the power to help prevent the tragic injuries and fatalities that families are suffering every day from the death or serious injury of a loved one in a motor vehicle related tragedy. The time for action is now.

Thank you for the opportunity to testify before this Subcommittee today.

¹ Automotive News (Nov. 2004).