### **DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135 [Docket No. 28229; Notice No. 95–7] RIN 2120–AF52

# **Child Restraint Systems**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to withdraw FAA approval for the use of booster seats and vest- and harness-type child restraint systems in aircraft during takeoff, landing, and movement on the surface. In addition, this notice emphasizes the existing prohibition in all aircraft against the use of lap held child restraint systems (including belly belts). The FAA believes that, during an aircraft crash, the banned devices may put children in a potentially worse situation than the allowable alternatives. This notice does not affect use of other types of approved child restraint devices. The FAA will continue to analyze methods to improve the alternatives to the proposed banned devices.

**DATES:** Comments must be received on or before July 10, 1995.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28229, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 28229. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donell Pollard, (AFS–203), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone (202) 267–3735.

## SUPPLEMENTARY INFORMATION:

### **Background**

The FAA is concerned about the safety of children who use certain forms of child restraint systems aboard aircraft. In 1992, the FAA set forth in §§ 91.107(a), 121.311(b), 125.211(b), and 135.128(a) the child restraint systems acceptable for use in aircraft by listing labeling requirements and certain use requirements. Since that time the FAA has supplemented the rule with advisory material and with a public information leaflet titled "Child/Infant"

Safety Seats Recommended for Use in Aircraft."

Under present regulations a child who has not reached his or her second birthday (infant) is not required to have a separate seat aboard an aircraft. This means that the person accompanying an infant may choose to hold the infant during flight.

If the accompanying adult wishes to put the infant in a child restraint system on a passenger seat, the airline may require the adult to purchase a separate ticket for the infant. Whether or not the airline requires the purchase of a ticket for the infant, a separate passenger seat is necessary if a child restraint is to be used (14 CFR §§ 121.311(c), 125.211(c), and 135.128(b)).

The provisions of §§ 91.107, 121.311, 125.211, and 135.128 identify those child restraints that are approved for use aboard aircraft. These child restraint provisions also apply whenever a child restraint is used for a child 2 years old or older who is required to have a separate seat on the aircraft. A child 2 years old or older must either be properly secured in an approved child restraint or properly secured with a safety belt in a passenger seat.

The FAA's 1992 determination as to which child restraint systems would be approved for use aboard aircraft was based on many years of work by both the FAA and the National Highway Traffic Safety Administration (NHTSA). In the 1970's, NHTSA proposed dynamic testing of child restraint systems for use in automobiles. In the mid 1980's, the FAA and NHTSA undertook an effort to develop a common approach to the approval of child restraints. Federal Motor Vehicle Safety Standards (FMVSS) No. 213 (49 CFR 571.213) was amended to provide criteria for the certification of child restraints that were appropriate for both aircraft and automobiles.

FMVSS No. 213, as revised, is the current U.S. standard, and has allowed hundreds of models of seats to be approved, including booster-type child restraint systems ("booster seats"). The current FAA child restraint rules do not specifically refer to FMVSS No. 213. However, FMVSS No. 213 is the basis for the labels required under the FAA rules.

The current FAA rules on child restraint systems permit the use of child restraint systems only if they bear a proper label(s), meet certain use requirements, and meet adult accompaniment requirements.

Approved labels fall into three categories as follows:

1. Seats manufactured to U.S. standards between January 1, 1981, and

February 25, 1985, must bear a label that states "This child restraint system conforms to all applicable Federal motor vehicle safety standards." However, vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved for use on aircraft even if they bear this label.

2. Seats manufactured to U.S. standards on or after February 26, 1985, must bear the following two labels:

(i) "This child restraint system conforms to all applicable Federal motor vehicle safety standards;" and

(ii) "THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT," in red lettering.

3. Seats that are not manufactured to approved U.S. standards must bear either a label showing approval of a foreign government or a label showing that the seats were manufactured under the standards of the United Nations.

The use requirements for child restraint systems are as follows:

1. The restraint system must be properly secured to an approved forward-facing seat or berth;

2. The child must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

3. The restraint system must bear that appropriate label(s).

The adult accompaniment provisions for child restraint systems require that the child be accompanied by a parent, guardian, or attendant designated by the child's parent or guardian to attend to the safety of the child during the flight.

While the current rule language disallows vest- and harness-type child restraint systems manufactured before February 26, 1985, some of these systems manufactured after that date meet U.S., foreign government, or United Nations requirements.

### **Need for Amendment**

As discussed above, the present FAA rules on child restraint systems are based primarily on U.S. standards. However, the FAA now has determined that some child restraint systems that work well in automobiles may not be safe for use in aircraft. The FAA has reached this conclusion based in part on recent studies by FAA's Civil Aeromedical Institute (CAMI). A copy of CAMI's final report, as well as a followup report that clarifies certain issues in the CAMI report, is included in the docket. The CAMI studies were conducted to evaluate whether the FAA regulations regarding crashworthiness requirements for adult passenger seats and the standards applicable to child restraint devices were consistent, to respond to questions from the Air