

Auto Industry Objects To Some Results Of TTIP Equivalency Study It Financed

U.S. and European Union automobile industry representatives are objecting to some of the results of a study they commissioned from two independent research institutes in the hope of showing that auto safety regulations for crashworthiness and crash avoidance on either side of the Atlantic are effectively equivalent.

In interviews with *Inside U.S. Trade*, one of the lead authors of the study said that auto industry reps — led by the Washington-based Auto Alliance — have expressed disagreement with certain aspects of the study's methodology and even the strength of the wording describing the some of the results.

Carol Flannagan, an associate research scientist at the University of Michigan's Transport Research Institute (UMTRI), emphasized that the Auto Alliance had not pressured her team to actually change the wording of the final report, which has not yet been released. She declined to specify exactly what has been the nature of the disagreement ahead of the report's publication, but said that it related to a "handful" of important issues.

But the views expressed by industry suggest that the results of the study do not support the claims of functional equivalence by industry representatives as fully or as clearly as they might have hoped. Industry representatives have carefully avoided making specific comments about the results of the study, despite conducting two separate public presentations about it since receiving the draft final report in January.

Flannagan also said that in order to preserve the objectivity of the study's findings, she expected that the final report would differ little from the initial version. She also noted that the document was co-written with the SAFER Vehicle and Traffic Safety Center in Sweden, the UK-based Transport Research Laboratory and CEESAR of France, and that its researchers would also have to sign off on any changes.

The draft report was written by herself and the other researchers on the project before the industry weighed in, Flannagan said. She explained that while she has briefed representatives at the National Highway Traffic Safety Administration (NHTSA) and their EU counterparts about the study, UMTRI has only received detailed input from industry on the results.

"Our concern is that even if [industry representatives] make a good point ... the scientific process is not being followed when you get feedback from one interested party and no other interested parties," she said. "We will be very, very reluctant to make any changes to the wording of conclusions."

Flannagan also stressed numerous times throughout the interviews, that in statistical studies like this one, the answers are rarely if ever binary; instead, they generally fall somewhere on a spectrum with differing levels of certainty, and with results often open to interpretation.

Scott Schmidt, senior director for safety and regulatory affairs at the Auto Alliance, told *Inside U.S. Trade* on April 23 on the sidelines of the ninth round of Transatlantic Trade and Investment Partnership (TTIP) talks in New York that he believed some of the results of the study could change depending on input from the industry.

Schmidt acknowledged at the time that the industry had questions about some elements of the study's methodology, but did not say it failed to show functional equivalence of regulations or that the Alliance disagreed with the wording of the final report.

Wade Newton, a spokesman for the Alliance, said the feedback the group has been giving UMTRI is "the typical vetting process needed to arrive at sound, reliable research." He declined to comment in further detail, but did not take issue with Flannagan's characterization.

According to Flannagan, the timeline for completing the study that UMTRI originally proposed was 21 months. But this was compressed to 12 months at the request of the Alliance, which worried that the proposed timeline was too long for the results to be able to feed into the TTIP negotiations. The contract for the project ran out in January, although UMTRI has been fielding input from the industry since then prior to releasing the final report.

Despite the shortened timeframe, Flannagan said that the study had been robust and effectively dealt with some of the most crucial technical difficulties the researchers faced. The final report is slated to be released to the U.S. and EU governments in concurrence with 10th TTIP round in July, and will be made public afterward.

On the issue of crashworthiness — or how well a car protects its occupants from injury in a crash — the researchers had to tackle the challenge of harmonizing different aspects of the U.S. and European data to which they had access, in order to make a comparison of the injury risk to the passenger in a U.S.-regulated car and an EU-regulated car in different types of crashes.

This task was complicated by the fact that there is no EU-wide database that contains the same level of detailed data as the one maintained by NHTSA. So instead, UMTRI and SAFER relied largely on richer data sets compiled by regula-

tors in Sweden, Germany, France and the United Kingdom in making their comparisons.

One aspect of the study's methods that the automobile industry has been scrutinizing heavily is how the UMTRI-SAFER team extrapolated how their models would apply across the 28 EU member states, which have varying levels of wealth and accordingly different types of vehicles on the road. This was a challenge that the researchers anticipated in a report explaining Phase I of their effort, which attempted to lay out how they would go about assessing whether the two auto regulatory regimes achieved the same outcome.

Referring to the four national European databases, the researchers wrote that the combined sample size "is judged sufficient for analysis, but we have some concerns about representation. In general, these countries are among the wealthier EU countries and vehicle purchase choices may reflect that, leading the results to have limited generalization to southern and eastern European countries."

To get a fuller picture, the researchers took data from the four countries and then — using a less-detailed, EU-wide data set called the Community Road Accident Database — "weighted" them to make them more reflective of the European population, Flannagan explained in an interview.

She declined to characterize specifically what result this methodology had yielded, or what it meant for the overall conclusion on whether U.S. and EU auto safety regulations can be shown to be essentially equivalent.

One of the other major challenges the researchers encountered in their study was how to harmonize figures measuring the force of a crash — a value determined by measuring the change in a vehicle's velocity, called "Delta-V" in technical jargon — in order to make a comparison of how the U.S. and EU regulations performed. The U.S. and EU member states measure this value differently, making it hard to determine whether more severe injuries in a given crash are due to a higher crash severity or a difference in standards.

Specifically, NHTSA uses the "crush" of a vehicle, while the EU data sets typically measured a vehicle's displacement — or how far it moved from its normal trajectory. In order to find a workaround, UMTRI and SAFER found two data sets, from Sweden and India, that contained both measurements.

This allowed researchers an opportunity to figure out how to convert the measurements. All of the values were then harmonized to the trajectory-based measurement to make them comparable, Flannagan said.

The Auto Alliance has also commissioned another study on the economic benefits of functional equivalence for safety standards accruing to car companies. That study, being carried out by the Center for Automotive Research (CAR), has also faced some hurdles.

The primary challenge holding up the study had been how to sufficiently protect the confidentiality of company-specific cost data. Jennifer Thomas, director of government affairs at the Auto Alliance, said on April 23 that the group and researchers had found a way to work around this and that the study is now underway.

During a presentation to stakeholders and negotiators at the ninth round of TTIP talks in New York, the Alliance was joined by representatives from the American Automotive Policy Council and the Brussels-based auto industry group ACEA. Although they presented no actual savings figures from the ongoing study, they presented a graphic of a car showing for which groups of standards mutual recognition would be the most beneficial.

The graphic showed what parts of a car would have to be modified the most in order to conform with divergent regulations on either side of the Atlantic. It appeared to show that some of the biggest savings would come from granting mutual recognition to frontal and side crash standards, which currently require major design changes depending on the market, according to the presentation.

The commissioning of both the UMTRI-SAFER and CAR studies are aimed at developing a body of evidence that the automobile industry hopes will better enable it to pressure regulators — especially in the U.S. — to consider granting mutual recognition to clusters of existing safety standards based on their performance.

The European Commission has been proactive in this effort, generating two of its own studies aiming to show that mutual recognition could be possible for safety standards relating to seatbelt anchors and vision and lighting. NHTSA, meanwhile, has by all accounts been skeptical of this effort but has stepped up efforts at international cooperation in the area. — *Ben Hancock*
